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NUCLEAR REGULATORY COMMISSION
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December 17, 1980

50-320 Three Mile Island

MEMORANDUM FOR: Chief, Document Management Branch, TIDC

FROM: Director, Division of Rules and Records, ADM

SUBJECT: PRIVACY REVIEW OF UTILITY EMERGENCY PLAN DOCUMENTATION

The Division of Rules and Records has performed a privacy review for the attached document and has determined that it may now be made publicly available.

J. M. Felton, Director
Division of Rules and Records
Office of Administration

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PERSONAL PRIVACY INFORMATION
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Federal Response Plan for Peacetime Nuclear Emergencies

(Interim Guidance)

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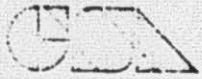
April 1977



General Services Administration

Federal Preparedness Agency

PERSONAL PRIVACY INFORMATION
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FEDERAL RESPONSE PLAN

FOR

PEACETIME NUCLEAR EMERGENCIES

(INTERIM GUIDANCE)

APRIL 1977

GENERAL SERVICES ADMINISTRATION

FEDERAL PREPAREDNESS AGENCY

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PART I

GENERAL

A. Introduction. This document is issued pursuant to the authority vested in the Director of the Federal Preparedness Agency, and in conformity with responsibilities and functions assigned to him, by the provisions of Executive Order 11051, as amended, Executive Order 11490, as amended, Section 3 of Executive Order 11725, and related delegations of authority from the Administrator of General Services. It provides, on an interim basis, policy and guidance for the development, review, and maintenance of Federal plans and capabilities for responding to any peacetime nuclear emergency to which the civil emergency preparedness provision of the above cited Executive orders apply.

Federal, State, and local governments, private industry, and other nongovernmental users have taken measures to prevent foreseeable accidents associated with the manufacture, transportation, storage, and use of radicactive materials and devices intended for civil and military use. Safety features are incorporated in each nuclear reactor to reduce the probability of accident and the risk of radiological contamination. Security safeguards in addition to safety features are built into every nuclear weapon to assure an extremely low probability of an accidental or unauthorized detonation.

The United States military nuclear weapons safety and security program is primarily the responsibility of the Department of Defense (DOD) and is participated in directly by the Energy Research and Development Administration (ERDA). The program ensures that each nuclear weapon is subjected to continuous and methodical inspection to assure that the system is safe and is being operated in consonance with prescribed operational safeguards. In addition, the DOD and ERDA have established comprehensive technical nuclear materials safeguards and safeguards procedures designed to prevent successful malevolent acts by any individual. Moreover, emergency plans are in readiness for immediate response in the event that any such act occurs. As a matter of prudence, however, this document provides for additional planning to respond effectively in the event that a malevolent act occurs as a result of some unlikely combination of safeguards failures.

Peacetime nuclear hazards to lives and property in the United States are not limited to sources originating within the United States but may be generated from sources outside its borders. This was first officially recognized in 1971 when the United States of America and the Union of Soviet Socialist Republics entered into an "Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War," which provides for mutual and timely notification in the event of an unauthorized or accidental launch involving a possible detonation of a nuclear weapon. Accordingly, appropriate notification procedures have been instituted to implement that Agreement. In addition, the proliferation of nuclear materials has increased the probability of the introduction of such materials into the United States from abroad.

Numerous plans have been developed for dealing with peacetime nuclear emergencies of various types and degrees of severity. In general, they focus primarily on technical and emergency response measures related to health and safety. There is a need for the development, in conformity with the provisions of Executive Order 11051, as amended, and Executive Order 11490, as amended, of additional plans for responding to the other consequences that might result from a peacetime nuclear emergency more serious than those that have occurred even though the probability that such an incident will occur is very low. This document is intended to provide guidance for the development of those plans and for bringing them together with existing plans into a compendium of plans comprising the Federal Response Plan for Peacetime Nuclear Emergencies (FRPPNE).

In its final form, the FRPPNE will consist of this basic guidance document, the Federal operational response plans called for herein, and appropriate annexes--those having general applicability and those pertaining to a specific operational response plan. Specific Federal plans will range from those of individual departments and agencies (e.g., plans for coping with localized emergencies by custodians of small amounts of radioactive materials), to plans prepared by more than one agency where a multiagency coordinated response is required to cope with the multiplicity of emergency conditions that might result from more serious peacetime nuclear emergencies. The set of plans, which together will constitute the FRPPNE, will be divided into separate

volumes to permit maximum flexibility in their use and to allow Federal agencies to have in their possession only the plans in which they are expected to be involved.

B. Authorities. This guidance is issued pursuant to the provisions of Executive Order 11051, as amended, Executive Order 11490, as amended, and Section 3 of Executive Order 11725. Section 101(a) of Executive Order 11051, as amended, specifically states that the Director, Office of Emergency Planning (Director, Federal Preparedness Agency (FPA), General Services Administration, under Section 3 of Executive Order 11725), shall: "Advise and assist the President in the coordination of and in the determination of policy for the emergency plans and preparedness assignments of the Federal departments and agencies.... designed to make possible at Federal, State and local levels the mobilization of the human, natural, and industrial resources of the Nation to meet all conditions of national emergency...." Section 101(b) of that order states that the Director is "....under the direction of the President, ...responsible for the preparation of nonmilitary plans and preparedness programs with respect to organization and functioning of the Federal Government under emergency conditions...." Section 208(a) of that order provides that the Director "....shall represent the President in working with State Governors to stimulate vigorous State and local participation in emergency preparedness measures," and Section 208(c) provides that the Director "....shall assist the President in achieving a coordinated working relationship between the various elements of State governments and the Federal agencies to which specific emergency preparedness functions have been assigned pursuant to statute or Executive order."

Federal agencies shall develop peacetime nuclear emergency operational response plans under, and to the extent required by, the provisions of Executive Order 11051, as amended, Executive Order 11490, as amended, and Section 3 of Executive Order 11725. Operations described in these plans shall be carried out under appropriate statutes, Executive orders, and administrative authorities pertaining to each agency. In addition, the following-listed statutes, when and to the extent appropriate, shall be used as authority for planning and/or response activity in relation to peacetime nuclear emergencies.

1. Atomic Energy Act of 1954, as amended.

2. National Security Act of 1947, as amended.

3. Energy Reorganization Act of 1974.

4. Defense Production Act of 1950, as amended.

5. Disaster Relief Act of 1974.*

(*It is possible that a peacetime nuclear emergency could necessitate a Federal response under the provisions of the Disaster Relief Act of 1974 (P.L. 93-288). Such a response would be contingent upon a Governor's finding that the situation "is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary." In response to the Governor's request, the President could declare that an emergency or a major disaster exists under the terms of that act thereby making Federal assistance under that act available.)

A document entitled "Analysis of the Legal Authority Currently Available to Support Federal Responses in Emergencies Contemplated by the FRPPNE," which describes additional statutory authorities that may possibly be relied upon, is included as Annex II.

C. Purpose. This document is, to the extent authorized and required by Executive Order 11051, as amended, Executive Order 11490, as amended, and Section 3 of Executive Order 11725 designed to:

1. Provide policy and planning guidance for the preparation of Federal and State operational response plans for peacetime nuclear emergencies;

2. Facilitate a complete and coordinated Federal planning effort that will cover all peacetime nuclear emergencies;

3. Provide the basis for compatibility between Federal and State plans related to peacetime nuclear emergencies; and

4. Identify responsibility for implementing and coordinating the efforts of Federal agencies responding to peacetime nuclear emergencies.

D. Scope. This document, to the extent authorized and required by the provisions of Executive Order 11051, as amended, Executive Order 11490, as amended, and Section 3 of Executive Order 11725:

1. Estaolishes the framework within which Federal preparedness planning shall be effected to provide a response for each potential peacetime nuclear emergency;

2. Lists policy, planning guidelines, and assumptions applicable to the Federal Response Plan for Peacetime Nuclear Emergencies;

3. Defines and discusses the various categories of peacetime nuclear emergencies;

4. Identifies, for each of several categories of peacetime nuclear emergencies, the appropriate Federal department or agency to manage and integrate the one or more departmental efforts required in preparing the coordinated Federal plan for that peacetime nuclear emergency;

5. Outlines the planning responsibilities of Federal departments and agencies for responding to peacetime nuclear emergencies;

6. Discusses long-range recovery and rehabilitation in the event of a serious peacetime nuclear emergency; and

7. Outlines the responsibilities of the Federal Preparedness Agency for coordination of peacetime nuclear emergency operational response planning.

PART II

POLICY AND PLANNING GUIDANCE

A. Policy.

1. Federal agencies, as designated in Part III of this document, shall prepare operational response plans which provide adequate controls and organizational procedures and assure an appropriate Federal response for all categories of peacetime nuclear emergencies for which response plans are required under the provisions of Executive Order 11051, as amended, or Executive Order 11490, as amended. Plan(s) related to each category of emergency shall be interfaced and/or integrated, as is appropriate, under this basic planning guidance document as part of the FRPPNE.

2. In developing their operational response plans, Federal agencies shall emphasize three classes of measures: those designed to prevent a peacetime nuclear emergency; those designed to control any peacetime nuclear emergency that has the potential for becoming more serious; and those needed to cope with the effects of the peacetime nuclear emergency.

3. The FRPPNE shall, to the extent appropriate, combine existing operational response plans dealing with peacetime nuclear emergencies with operational response plans hereafter developed in accordance with this guidance.

4. Planning shall be based on existing legislative and executive authority to the maximum extent possible.

5. Federal operational response plans shall fully recognize the authority and responsibility of State and local governments to plan for and respond to peacetime nuclear emergencies.

6. The use of existing organizational structures and coordinating mechanisms shall, under this guidance, be given priority consideration over the creation of any new organizational and coordinating arrangements in planning a response to a peacetime nuclear emergency for which preparedness planning is required

under the provisions of Executive Order 11051, as amended, and Executive Order 11490, as amended.

7. Planning efforts for responding to an emergency involving a serious dispersal of radioactive contamination or a nuclear detonation in peacetime shall be directed not only toward physical survival, but also toward the preservation of the basic political, social, and economic systems and values of the affected area. Consequently, every effort shall be made to:

a. Minimize, both in scope and duration, the restraints, if any, that the exigencies of a dire peacetime nuclear emergency might necessitate with respect to the free exercise of Constitutional and other basic rights and liberties;

b. Preserve and/or reconstitute, as quickly as possible, representative Constitutional government;

c. Maintain law enforcement and judicial proceedings in accordance with established and accepted practices without recourse to the arbitrary exercise of police powers; and

d. Continue a free economy and private operation of industry, subject to government regulation only to the extent necessary to protect the public interest.

8. Federal agencies shall maintain or develop the capability to respond promptly to any peacetime nuclear emergency covered by this guidance and shall plan to make available authorized resources for Federal emergency response operations.

9. FPA and other appropriate Federal agencies shall encourage emergency preparedness planning by State and local governments, and, when requested, shall provide guidance and assistance in the preparation of their respective plans.

10. The Federal Government shall render such assistance as the President may direct to nations bordering the United States which are affected by the emergency.

11. The Federal Government may, if necessary, exercise [illegible] control over essential resources and activities following

a nuclear detonation to assure that available resources are channeled and used effectively to support survival and recovery needs.

B. Assumptions.

1. State and local governments will, under their legal powers, fulfill their responsibilities for responding to peacetime nuclear emergencies.

2. The President, if the circumstances require it, will declare a "National Emergency" and, if so requested by the Governor of the affected State, will also declare an "Emergency" or a "Major Disaster" under the provisions of the Federal Disaster Relief Act of 1974 (P.L. 93-288).

3. Legislative and executive authorities enabling the Federal Government to respond to a peacetime nuclear emergency either currently exist or will be acquired.

4. Congress will, as necessary, appropriate emergency funds to permit implementation of Federal response plans and enact emergency legislation, if needed, to assist State and local governments in recovering from any peacetime nuclear emergency involving a nuclear detonation or widespread contamination.

5. In the event of a peacetime nuclear emergency at or near seat(s) of Government, impairing or disabling government operations in the affected areas, provisions for continuity of government will be implemented.

6. A nuclear detonation or widespread contamination may occur at or near critical industrial, military, financial, or communications complexes, thereby endangering national security.

C. Planning guidance.

1. Response plans developed in compliance with this guidance shall cite authorities under which response activities would be conducted.

2. It is anticipated that operational response measures to a peacetime nuclear emergency can be conducted within existing authorities. However, if a Federal agency needs additional authority to carry out essential response measures identified in a plan, that agency shall take appropriate steps to acquire such authority, coordinating its action with FPA.

3. Federal operational response plans shall be oriented toward supplementing the resources and capabilities of State and local governments and toward meeting the various needs, such as interstate and regional coordination, which cannot be accomplished by the State and local governments.

4. Each response plan developed under this guidance shall provide an overall concept of operation, including coordination of activities and implementing procedures, and shall identify those Federal and other agencies which will be expected to participate.

5. Plans designed to be responsive to a specific category of peacetime nuclear emergency shall recognize any relationship to other categories and, where appropriate, specific provisions shall be included to facilitate the transition between categories.

6. Each Federal plan developed to respond to a specific category of peacetime nuclear emergency shall, where interagency coordination of the response is required, identify a Federal agency, or an office within such agency, as the coordinator of the Federal response activities related to the peacetime nuclear emergency. This coordinating agency or office shall serve as the primary Federal point of contact for all State and Federal agencies responding to that emergency.

7. Federal operational response plans shall include responsibilities and procedures for providing appropriate emergency information and action advice for the public. Each operational response plan should provide that such emergency public information be channeled, when appropriate, through a single, authoritative source at the Federal level and be closely coordinated with any public information releases from State and local governments.

8. Federal operational response plans shall include provisions for input and coordination by the Department of State of all aspects of a peacetime nuclear emergency having international implications.

9. If a peacetime nuclear emergency occurs in an area under Federal jurisdiction, the Federal Government shall assume primary responsibility for the initial response to the emergency. Federal, State, and local government response and coordination shall be in accordance with plans developed under this guidance.

PART III

PLANNING RESPONSIBILITIES

A. Introduction. This part of the planning guidance describes the categories of peacetime nuclear emergencies which involve varying degrees of Federal response. It discusses the concept of assigning to certain Federal agencies the responsibility for coordinating the development of each of the Federal operational response plans. These operational response planning agencies (ORPAs) are identified, and their planning responsibilities are outlined. Numerous Federal agencies, in addition to the ORPAs, have technical capabilities that are required for inclusion in the operational plans to be developed. These capabilities are listed in a brief discussion of Federal agency support responsibilities. Suggestions are made as to which Federal agencies should be involved in the response to various peacetime nuclear emergency categories, but it is essential that the ORPAs ensure that the technical capabilities of appropriate agencies are incorporated in their plans.

B. Description of peacetime nuclear emergency categories and status of existing plans.

1. General. Peacetime nuclear emergencies could arise from a variety of causes; their impact could vary from negligible to a highly improbable catastrophe. Minor incidents involving radioactive contamination have occurred. Catastrophic peacetime nuclear emergencies have not occurred and are unlikely to occur, but, for planning purposes, must be considered. At the Federal level, peacetime nuclear emergencies have been placed in four categories as follows:

Category I -- A nuclear incident which is limited in that its effects are minor and localized. Category I incidents are manageable under existing arrangements with resources readily available, and without recourse to extraordinary measures.

Category II -- An incident which has the potential of producing a nuclear detonation and/or widespread dispersal of radioactive contamination.

Category III -- An occurrence in which, despite all preventive and controlling efforts, there is a nuclear detonation and/or widespread dispersal of radioactive contamination.

Category IV -- The post-Category III environment during which long-range recovery and rehabilitation are effected.

Each category is discussed in greater detail below.

2. Category I incidents.

a. Description.

The distinguishing characteristics of these incidents are: (1) they create no widespread hazard to people and property, and (2) they can be managed under existing governmental or private arrangements using existing capabilities. These incidents can have diverse characteristics resulting from such causes as mechanical failure, human error/intent, or from natural phenomena such as earthquakes or hurricanes. The radioactive materials involved could be of any grade in commercial use, or they could be in the form of weapons grade nuclear materials or actual nuclear weapons or radiological waste. Such incidents could occur at fixed sites (reactors or storage locations) or during transit of nuclear materials by land, sea, or air. Such incidents could involve minor release and dispersal of radioactive materials into the environment.

b. Illustrative list of Category I incidents.

(1) Small leak at a nuclear power plant, test or research reactor, or other fixed nuclear facility due to system failure.

(2) Fire at a nuclear storage facility resulting in minor radiological contamination.

(3) Accident in a nuclear laboratory resulting in minor leaks.

(4) Damage to a nuclear weapon at a storage site with resultant minor release of radioactive material.

(5) Crash landing of an aircraft carrying a nuclear weapon, with no detonation and only minor contamination.

(6) Collision of a truck transporting a nuclear weapon, with minor radiological effects.

(7) Minor leak from a reactor used to power a naval surface ship or submarine.

(8) Minor radiological contamination resulting from an underground test.

(9) Minor radiological contamination resulting from an accident during the transportation of radioactive materials.

(10) Minor radiological contamination resulting from the handling and disposal of radioactive wastes.

c. Status of Category I planning.

Considerable planning for Category I peacetime nuclear emergencies has already been accomplished at the Federal level, primarily by the DOD and ERDA, as these agencies are the primary holders of nuclear materials within the Federal establishment. It is the purpose of the FRPPNE to ensure that adequate and effective operational response planning is completed by all Federal holders of nuclear materials as well as those agencies (e.g., NRC) whose responsibilities encompass holders of nuclear materials. The following extant plans and arrangements for Category I peacetime nuclear emergencies as well as those developed under the policy guidance of this document will be incorporated into the FRPPNE after review to ensure mutual compatibility in the Federal response to these types of incidents.

The Energy Research and Development Administration Radiological Assistance Plan (ERDA-RAP). This plan deals with the use of ERDA and other available radiological assistance response capabilities to cope with Category I incidents involving radioactive materials. Under the provisions of this plan, ERDA technical assistance can be requested for responding to radiological incidents occurring in the operations of ERDA, licensees, other Federal agencies, State or

local government agencies, and in the activities of private users or handlers of radioactive materials.

Interagency Radiological Assistance Plan (IRAP). This plan was developed as a means for providing rapid and effective assistance in the event of a radiological incident. It provides a means whereby the participating Federal agencies coordinate their radiological assistance response activities with those of State and local health, police, fire, and civil defense agencies. Under this plan, the signatory agencies have agreed to make their resources available for rapid response to a radiological incident, subject only to essential operational requirements in fulfillment of primary responsibilities. The ERDA is designated as the responsible agent for the plan. Requests for ERDA and DOD technical assistance are made through the Joint Nuclear Accident Coordinating Center (JNACC). Signatory agencies include the Energy Research and Development Administration; Departments of Defense; Agriculture; Commerce; Health, Education, and Welfare; Labor; and Transportation; National Aeronautics and Space Administration; United States Postal Service; Environmental Protection Agency; Interstate Commerce Commission; Nuclear Regulatory Commission; and the Defense Civil Preparedness Agency.

The Nuclear Accident/Incident Control (NAIC) Plan. This Department of the Army plan deals with providing military resources to minimize loss of life, personal injury, hazardous effects, and destruction of property in the event of a minor nuclear accident or incident.

Joint Nuclear Accident Coordinating Center (JNACC). This joint ERDA-DOD coordinating center provides for the maintenance and exchange of information concerned with radiological emergency response capabilities and for coordinating the provision of technical assistance in response to nuclear weapons and nonweapons radiological incidents involving DOD and/or ERDA. The JNACC maintains current information as to the location and availability of specialized DOD and ERDA teams capable of responding to accidents involving nuclear weapons and nonweapons radioactive material. This technical capability can be made available to other Federal departments and agencies, and to State and local governments in responding to peacetime nuclear emergencies.

In addition to the above-described basic plans and arrangements, designed to manage specific types of radiological incidents, ancillary plans have been developed by some Federal agencies. These plans provide some degree of decentralization of operations in managing peacetime emergencies. They also place primary reliance on local/State capabilities, supplemented when required with Federal support.

3. Category II incidents.

a. Description.

Incidents in Category II differ from those in Category I in three major respects. First, Category II incidents are confined to the threat of or potential for a peacetime nuclear emergency resulting in casualties and damage. This category does not involve actual nuclear detonation or widespread contamination. While there is a very low probability that a nuclear detonation and/or major radiological contamination will actually occur, such an incident would fall into Category III. Second, Category II incidents have the potential for much more serious consequences than those in Category I. Third, Category II incidents require more than a routine, low-level response; existing arrangements and capabilities may not be adequate to cope with such incidents. It is quite likely, for example, that a Governor might participate in coordinating the appropriate response actions; Presidential involvement is at least possible.

These incidents could also have a highly significant psychological impact. The threat factor inherent in such incidents could be expected to generate crisis management type response actions by government officials at several levels. The threat aspects of such incidents could possibly induce strong public reaction even though no actual detonation or release of radiation occurred.

b. Illustrative list of Category II incidents.

(1) Theft of a nuclear weapon or other nuclear materials from a manufacturing plant or storage site, or while being transported, thus raising the presumption of threatened unauthorized use of the weapon or material.

(2) Overtly threatened use of a nuclear weapon, nuclear device, or other nuclear materials for extortion or sabotage.

(3) Takeover of a nuclear reactor or other fixed nuclear facility with the threat of destruction of the reactor or the facility.

(4) Sabotage or accident involving nuclear power reactor or other fixed nuclear facility, with the potential for widespread contamination.

(5) Transportation accident involving radioactive materials, with the potential for widespread contamination.

(6) Accidental or unauthorized launch of a nuclear weapon by means of a missile or other delivery systems with the potential for impacting in the United States. (Note: This type of incident belongs conceptually in Category II only prior to impact of the weapon in the United States. Upon impact, it becomes either a dud (no casualties or damage), a Category I incident (minor radiological contamination), or a Category III incident (nuclear detonation).)

c. Status of Category II planning.

ERDA and NRC plan and implement procedures to prevent successful malevolent acts involving nuclear materials or facilities. These include active and passive measures designed to: deter a decision by a potential adversary to plan and carry out a malevolent act; detect promptly an attempt and interrupt successful completion of steps in the adversary sequence; and assist in assessment, pursuit, recovery, and consequence minimization activities with other agencies if earlier actions are unsuccessful.

The Federal Bureau of Investigation (FBI) maintains operational plans and procedures to cope with sabotage and extortion threats. These plans and procedures may have some degree of applicability to Category II peacetime nuclear emergencies and should be reviewed to incorporate any features that may apply particularly to peacetime nuclear threats.

DOD plans and procedures for the accidental or unauthorized launch of a nuclear weapon are limited to activation and use of the military detection and warning systems and the intelligence gathering and analysis systems, the rapid notification of Federal and State governmental authorities, and the warning of the public. These plans and procedures should be reviewed in cooperation with appropriate elements of DOD and other Federal agencies in relation to the response planned for Category III peacetime nuclear emergencies to ensure that all necessary actions are included in DOD plans.

The DOD maintains operational response plans and procedures regarding nuclear weapons or naval nuclear reactor accidents, and these plans and procedures should be reviewed for their applicability to this nuclear contingency.

The DOD maintains operational response plans and procedures to effect the recovery of stolen nuclear weapons. These plans should be reviewed to incorporate assistance from other interested agencies and to coordinate the transition of responsibility for the recovery of stolen nuclear weapons to civilian authority.

4. Category III incidents.

a. Description.

These are situations in which, despite all preventive, protective and response efforts, an actual nuclear detonation or widespread radioactive contamination, shall have occurred within the United States.

A nuclear detonation could come from a nuclear weapon or device of foreign or United States origin as a result of an accidental or unauthorized launch or from other means. The nuclear detonation could range from a very low to a very high explosive yield. Widespread contamination could come from such nuclear detonations, or it could conceivably come from other sources such as the sabotage of nuclear power plants or other fixed nuclear facilities, a serious accident involving the transportation of nuclear materials or nuclear power plants or other fixed nuclear

facilities, or the explosion of a crude nuclear device resulting in the dissemination of radioactive material.

The detonation of a nuclear weapon or device could occur in an urban or built-up area causing property damage and/or a large number of casualties or it could occur in a remote area with little or no risk to the surrounding population.

Category III incidents thus differ from those in Category I in that a large number of casualties and major property damage could occur, and extraordinary response actions would be required. They differ from those in Category II in that the damage is real, not merely threatened.

b. Illustrative list of Category III incidents.

In general, Category III incidents grow out of Category II situations that have progressed to actual nuclear detonations, or to widespread radiological contamination from other sources. A Category I incident could also progress to a Category III. Category III incidents would typically fit into one or more of these groupings:

(1) The detonation of a nuclear weapon or device resulting in casualties and/or property damage.

(2) Widespread contamination of people and property by radioactive materials, from whatever source.

(3) The detonation of a nuclear weapon or device and/or contamination which poses little or no threat to surrounding population and property (i.e., a remote area).

c. Status of Category III planning.

Some operational response planning has been accomplished by individual Federal departments and agencies to provide response to this type of nuclear incident. These plans have been directed to the support of State and local operations for such immediate requirements as accident assessment, evacuation or other protective action, lifesaving, rescue, medical care, mass shelters and feeding, radiological defense, temporary housing, public health, restoration

of essential public services, care and protection of livestock, and decontamination. Subsequent long-range recovery and rehabilitation activities are incorporated in Category IV.

5. Category IV conditions.

a. Description.

A nuclear detonation or widespread dispersal of radioactive material can be expected to create, in addition to the need for immediate lifesaving actions and other related operations as described in Category III above, the need for long-range recovery and rehabilitation measures directed toward the permanent rebuilding and reconstitution of the socioeconomic structure, the physical facilities and institutions of the affected area(s) and the long-term reduction or elimination of radioactive contamination. These measures would involve such things as housing, utilities, hospitals, schools, business and financial enterprises, governmental structures, and organizations. These measures can be expected to continue for months or years after the immediate lifesaving operations have been completed, and should be administered by an organizational mechanism responsive to these long-range needs. Although it is difficult to provide any specific planning guidance for the long-range needs of an area affected by a peacetime nuclear emergency, it is essential that some forethought and consideration be given to such things as the reconstitution of local government operations, the rebuilding of the social and economic structure of the affected area(s), and the allocation of critical resources which may be in short supply following a nuclear detonation or dispersion of radioactive material.

b. Illustrative list of Category IV situations.

Since Category IV conditions result from certain Category III incidents, which in turn would likely grow out of Category II incidents, a listing of illustrative, potential Category IV conditions can be inferred from the lists under Categories II and III.

C. Operational response planning agencies (ORPAs).

1. Concept.

From the preceding description of the four categories of peacetime nuclear emergencies, it is evident that the departments or agencies having responsibility for operational response planning have been or can be identified. This situation has developed from assignments by the Congress in public laws, by the President in Executive orders, and through acceptance by the department or agency concerned as a concomitant of the nuclear activity in which it is engaged. In most instances, these agencies have enlisted the cooperation of other agencies in effecting a more complete, coordinated planning and response effort. In the process, significant capabilities have been generated within and among the Federal agencies.

To take maximum advantage of these capabilities and of existing responsibilities, assignments, arrangements, planning and operational experience, a concept of identifying or designating operational response planning agencies (ORPAs) will be adopted in the plans to be developed and reviewed under this guidance document. Implicit in this concept is the use of technical capabilities of the several Federal departments. Selected departments will be requested to serve as supporting agencies, when appropriate, to assist the ORPAs in the production of Federal plans. The responsibilities outlined in this part are intended to provide direction to the designated ORPAs for their use in preparation and review of operational response plans, and where they might look for support in developing the plans. ORPAs, in coordination with FPA, are expected to task supporting agencies with planning and operational activities in which the latter are to make contributions to the coordinated plan. In some instances, designated ORPAs will assume a supporting role in plans developed for peacetime nuclear emergencies other than the one for which they have developed plans. Most Federal agencies are potentially supporting agencies. Designation as an operational response planning agency is applicable only for the specific emergency cited.

2. Designation of operational response planning agencies.

The designation of agencies responsible for completing and maintaining operational response plans for responding to peacetime nuclear emergencies is as follows:

Category I. The following Federal departments and agencies are known to have custody of nuclear material of such quantity and characteristics that operational response plans are required:

Department of Commerce
Department of Defense
National Aeronautics and Space Administration
Energy Research and Development Administration
Tennessee Valley Authority
Nuclear Regulatory Commission
(NRC is not a holder of nuclear materials but retains statutory responsibility for maintaining cognizance of incidents involving all licensed materials. For this reason, NRC will serve as the operational response planning agency for licensed operators of fixed nuclear facilities, ensuring the adequacy of such response plans. It is recognized that this NRC responsibility is already being implemented.)

Operational response plans related to Category I incidents have been or shall be prepared by each of the departments and agencies designated above. Extant plans shall be reviewed for completeness and mutual compatibility with this guidance before forwarding to FPA for inclusion in the FRPPNE. Plans requiring support of other Federal departments and agencies (e.g., Environmental Protection Agency) shall be developed on a cooperative basis with those agencies with appropriate guidance provided by the ORPA to those supporting agencies.

Category II. Four departments and agencies have major operational response planning roles in developing measures to deal with Category II incidents. These are the DOJ, DOD, ERDA, and NRC. These agencies, while occupying a primary planning role in reducing the hazard of specific types of incidents also may serve as support agencies to the ORPA, depending on the response needed.

Department of Justice (DOJ).

The responsibility for the management and coordination of the Government's response to incidents of domestic terrorism is focused in the Department of Justice (DOJ), under the direction of the Attorney General. Pursuant to the direction of the Attorney General, the Federal Bureau of Investigation (FBI) has primary jurisdiction and responsibility for directing operations required by such incidents, which include extortion threats, thefts, or sabotage involving nuclear materials. This responsibility for the investigation of nuclear threats is extended to threats directed toward foreign officials and official guests of the United States.

The FBI, in preparing operational response plan(s) for responding to theft, extortion, and sabotage, shall plan to coordinate other necessary actions by State and local law enforcement officials. The FBI, in addition to coordinating investigative activities, shall provide within its plans for liaison and coordination with other Department of Justice components and appropriate Federal agencies, with respect to the measures to be undertaken in the prevention and handling of extortion threats or thefts of nuclear materials.

Department of Defense (DOD).

DOD shall have primary responsibility for developing operational response plans and procedures for an accidental or unauthorized launch of a nuclear weapon, for accidents in the transportation and storage of nuclear weapons or radioactive materials under the control of the DOD, and for implementation of required actions necessary to prevent the theft or sabotage of a DOD nuclear weapon.

DOD plans for incidents involving a threat to detonate a nuclear weapon or device shall focus on support in operations to locate and disarm the alleged weapon or device; or support, as appropriate, to affected State and local governments; and preparation for emergency operations should a nuclear detonation or dispersal of radioactive material occur. Plans for responding to incidents involving the theft or sabotage of a nuclear weapon and, or radioactive materials and their possible use for extortion shall be developed in cooperation with other Federal agencies, as required, to ensure

full coordination in reaction to the incident and in providing a transition apparatus for the implementation of FBI plans.

Energy Research and Development Administration (ERDA).

The ERDA is responsible for developing operational response plans and procedures for Category II type incidents within ERDA controlled facilities or in the transport of ERDA controlled nuclear weapons or radioactive materials. ERDA plans and procedures shall provide for the implementation of FBI plans and procedures, as appropriate, in responding to the incident involving attempted theft or sabotage of nuclear weapons or radioactive materials or an act of terrorism.

ERDA shall provide the major source of technical expertise and special equipment to all Federal departments and agencies in responding to Category II peacetime nuclear emergencies. Therefore, ERDA shall provide planning support to FBI, DOD, and other agencies, as appropriate, in developing their operational response plans for Category II peacetime nuclear emergencies.

Nuclear Regulatory Commission (NRC).

The NRC is responsible for developing operational response plans and procedures for the Federal response to a Category II incident involving appropriate nuclear facilities or materials licensed under the Atomic Energy Act of 1954, as amended. These plans shall draw fully upon technical and other support available from within the Federal Government, as well as setting forth the Federal-State-private sector relationships involved in responding to such an incident, and shall establish a crisis management structure to respond to a Category II incident involving a licensed nuclear facility or licensed radioactive material.

Category III. Four departments and agencies have major operational response planning roles in developing response measures to deal with Category III peacetime nuclear emergencies. These are DOD, ERDA, NRC and DHUD.

Department of Defense (DOD).

The DOD shall prepare an operational response plan(s) for responding to the accidental or unauthorized detonation of, or

widespread radioactive contamination from, a nuclear weapon/ radioactive materials under the control of the DOD which does not involve major property damage and poses little or no threat of casualties. DOD should determine which Federal agencies would be involved in responding to such a contingency and should provide further policy and planning guidance necessary for those agencies to provide inputs to the DOD planning effort. Upon completion, this plan will be reviewed by the FPA for compatibility with other portions of, and for inclusion in, the FRPPNE.

Energy Research and Development Administration (ERDA).

The ERDA shall prepare an operational response plan for responding to the accidental or unauthorized detonation of a nuclear weapon, or widespread contamination from nuclear materials, under the control of the ERDA which does not involve major property damage and poses little or no threat of casualties. ERDA operational response plans to such incidents shall be reviewed for their applicability to this contingency. ERDA shall determine which Federal agencies would be involved in responding to such contingencies and should provide further policy and planning guidance necessary for these agencies to provide inputs to the ERDA planning effort. Upon completion, this plan shall be reviewed by the FPA for compatibility with other portions of, and for inclusion in, the FRPPNE.

Nuclear Regulatory Commission (NRC).

The NRC shall prepare an operational response plan for responding to accidental widespread contamination from radioactive materials under the control of licensees which does not involve major property contamination and poses little or no threat of casualties. NRC operational response plans to such incidents should be reviewed for their applicability to this type of incident. NRC should determine which Federal agencies would be involved in responding to such incidents and should provide further policy and planning guidance necessary for those agencies to provide inputs to the NRC planning effort. Upon completion, this plan shall be reviewed by FPA for compatibility with other portions of, and for inclusion in, the FRPPNE.

Department of Housing and Urban Development (DHUD).

The DHUD shall, to the extent required by the provisions of Executive Order 11051, as amended, and Executive Order 11490, as amended, develop a comprehensive, coordinated Federal operational plan for responding to Category III contingencies involving a nuclear incident which could be reasonably expected to result in severe property damage and/or a large number of casualties, or which involve widespread contamination of people and property by radioactive materials.

The DHUD, to the extent that its comprehensive operational response plan under this guidance involves reliance upon authority conferred by the Disaster Relief Act of 1974, shall coordinate that portion of that plan with such other Federal departments and agencies as the DHUD deems appropriate. In addition, the DHUD, in preparing that response plan, shall provide for liaison and coordination with appropriate Federal departments and agencies providing technical assistance, resources, and support to the DHUD housing and community-related response measures undertaken pursuant to Executive Order 11051, as amended, Executive Order 11490, as amended, and DHUD Handbook 3200.1A.

The DHUD, in developing its comprehensive operational response plan under this guidance, shall stress the need for coordinating the Federal assistance portion of that response plan with State and local agencies engaged in comparable emergency preparedness activities involving peacetime nuclear emergencies.

The comprehensive operational response plan developed by DHUD pursuant to this guidance shall be reviewed by FPA for compatibility with related response plans prepared by other departments and agencies and for inclusion in the FRPPNE.

Category IV. Planning for long-range recovery and rehabilitation from the consequences of a major peacetime nuclear emergency entails so many variables that it hardly seems likely that meaningful and detailed plans for long-range recovery and rehabilitation can be developed in advance of the incident involved and a thorough appraisal of its consequences.

However, GSA/FPA, in meeting its preparedness responsibilities under Executive Order 11051, as amended, and Executive Order 11490, as amended, shall remain cognizant of the various needs for and methods, along with associated preparedness requirements and capabilities of the relevant Federal agencies, of providing long-range recovery and rehabilitation assistance to an area affected by a peacetime nuclear emergency of the type contemplated by those Executive orders. In meeting this responsibility, FPA shall in concert with other appropriate Federal agencies, examine alternative approaches to Federal planning for long-range recovery and rehabilitation in relation to catastrophic peacetime nuclear emergencies and, where appropriate, designate operational response planning agencies.

Pending the development of any specific operational response plans in this area, FPA shall, with the assistance of other Federal agencies, develop options for planning and administering the long-range recovery and rehabilitation efforts, a tentative list of minimum essential measures, and provisions for consultation with affected State and local authorities. FPA shall be responsible for incorporating these planning actions and any resulting operational response plans in the FRPPNE.

3. International implications of peacetime nuclear emergencies.

In addition to the requirement for operational response plans related to the categories of peacetime nuclear emergencies described above, the Department of State (DOS) has special responsibilities related to all peacetime nuclear emergencies which may have international implications. The DOS is the primary agency for preparing those portions of plans that address any international implications or foreign country involvement regarding peacetime nuclear emergencies.

4. Responsibilities of operational response planning agencies.

Operational response planning agencies are responsible for management of the effort required to produce a complete, coordinated Federal operational plan for responding to the specific type peacetime nuclear emergency for which it has been designated an operational planning agency. This includes coordinating the preparation of support agency operational response plans, where

such are needed, and their incorporation in the complete plan. More specifically, an operational response planning agency is responsible for:

a. Determining the complete list of Federal and private supporting agencies and enlisting their assistance.

b. Providing guidance, peculiar to the operational response planning agency(s) type of peacetime nuclear emergency, for use by appropriate Federal support agencies. This guidance should include assumptions and casualty and property damage estimates that can be used as a standard data base for planning.

c. Ensuring that all functions essential to an effective response are included in the planning for which the operational planning agency has the lead responsibility. These functions should include the technical ones required to assess, counteract, and control the radiological effects; the humanitarian ones, designed to minimize the impact on individuals; and the recovery ones directed at restoring essential services to the affected area. A partial list of these functions and resources needed therefore follows (not all of them apply to each category of peacetime nuclear emergency):

(1) Notification. The action taken by a person(s) first noting that an incident is in progress, or has occurred, in conveying the initial information to the appropriate authorities and the process by which the information is further relayed to higher authority and to the concerned elements of government. The Intelligence Community may play a major role by providing forewarning of an attack, especially by a foreign terrorist group;

(2) Communications. The resources, facilities, organizations, procedures, and coordination required to assure adequate communications for carrying out the notification process and the response to a peacetime nuclear emergency. The National Communications Systems Plan for Communications Support in Emergencies and Major Disasters shall be utilized to the fullest extent possible;

(3) Evaluation. The process by which cognizant officials reach a sound and rational estimate of the situation based

on the information received from all sources. This process involves receiving, assembling, and assessing information in order to make decisions on the actions to be taken;

(4) Decisionmaking. The staff actions required to propose appropriate options or recommendations to the authority charged with managing the operational response and for proper dissemination of the decisions by that authority;

(5) Public information. The responsibilities and procedures for advising the public sector of the situation, risks involved, and actions and measures to be taken to protect themselves from the effects of a nuclear incident;

(6) Law enforcement. The pre and postincident arrangements for: (a) physical security of nuclear facilities, equipment, products, and personnel; (b) maintenance of civil order and control of traffic during the evacuation of inhabitants from threatened or damaged areas; (c) control of traffic, pedestrian and vehicular, into and from prohibited areas, including assistance to and control of directed or voluntary mass evacuation of the area of a peacetime nuclear emergency; (d) detection of nuclear devices and radioactive materials; and (e) where necessary, the apprehension of law breakers, and recovery of nuclear devices or radioactive materials;

(7) Health and safety services. The arrangements for the protection of life and property in the immediate endangered area, through the provision of shelter affording protection from radiation, personnel evacuation, fire fighting services, debris clearance, radiological monitoring and decontamination, medical services, emergency shelter, and emergency feeding;

(8) Survival operations. Immediate postnuclear detonation or post radioactive material dispersion functions performed to save lives, alleviate suffering and minimize the effects of damage to facilities and resources;

(9) International relations. Functions of foreign affairs associated with notification and assistance to other countries

affected by a nuclear incident/accident occurring in areas or activities of the United States, particularly those countries bordering the United States; and

(10) Short-term recovery operations. Immediate post-nuclear detonation or post radioactive material dispersion functions performed to restore essential facilities and systems to sustain life and minimize damage in the impacted area until more permanent remedial action can be taken.

d. Assuring that an appropriate method of transition is provided between response measures included in the plan for which the operational planning agency has responsibility, and the plans related to other peacetime nuclear emergency categories.

e. As a general rule, operational response planning agencies will take the lead in implementing the plans for responding to peacetime nuclear emergencies which have been developed under their leadership. However, this does not preclude the operational response planning agency from arriving at a conclusion, after appropriate discussions with the agency(s) concerned and FPA, that another agency should have primary responsibility for plan implementation. For example, where an agency has a functioning capability and mechanism for responding to a certain type of nuclear emergency within a category, it may be appropriate to assign that agency lead implementing responsibility.

f. Providing information to State governments on the possible hazards of Federally owned and controlled nuclear facilities/weapons/materials to facilitate peacetime nuclear emergency planning at the State and local levels.

g. Carrying out the coordination of the planning effort as detailed in Part IV.

h. Incorporating provisions for tests and exercises to determine the efficacy of each plan.

i. Periodic review and revision of plans based on such things as tests and exercises, changed conditions and circumstances, and evaluation of experience and operations during an actual peacetime nuclear emergency.

NOTE: Where plans are in existence, their review should be accomplished with the foregoing responsibilities in mind.

D. Federal support agency responsibilities. In addition to specific operational planning responsibilities described above, numerous Federal agencies have emergency preparedness responsibilities assigned by Executive Order 11051, as amended, Executive Order 11490, as amended, or other Executive orders or by statute. These preparedness responsibilities remain unchanged, regardless of whether that agency is an operational response planning agency for a particular peacetime nuclear emergency or is a supporting agency meeting its planning and preparedness responsibilities under the guidance and leadership of an operational planning agency. As previously described, most Federal agencies are potential support agencies. Designation as an operational response planning agency is applicable only for the specific emergency cited. The following description of responsibilities, as they apply to peacetime nuclear emergencies for which preparedness response plans are required under the provisions of Executive Order 11051, as amended, or Executive Order 11490, as amended, are provided as guidance to operational response planning and supporting agencies in preparing their response plans. Individual responsibilities are not applicable to all peacetime nuclear emergency categories. Therefore, selective use is essential. Other responsibilities may be added when mutually agreed to by the operational response planning and supporting agencies, with the concurrence of FPA.

OFFICE OF TELECOMMUNICATIONS POLICY is responsible for coordinating the development of plans and policies for the utilization of telecommunications resources in a peacetime nuclear emergency and shall be prepared to administer such telecommunications resources as may be required to cope with a peacetime nuclear emergency.

DEPARTMENT OF STATE is responsible for:

-- Providing all other Federal departments and agencies overall foreign policy direction, coordination, and guidance in the formulation and execution of those peacetime nuclear emergency preparedness

activities that have foreign policy implications, affect foreign relations, or depend directly or indirectly on the policies and capabilities of the DOS;

-- Formulation and negotiation, in consultation with the DOD and other appropriate agencies, of contingency and postnuclear emergency plans with other nations;

-- Formulation and execution of policy affecting the relationships of the United States with other nations pertaining to peacetime nuclear emergencies, in consultation with other Federal agencies;

-- Reporting and advising on conditions abroad which bear upon a peacetime nuclear emergency;

-- Communicating information and questions about the emergency to other nations;

-- Providing information to the United States public regarding the impact of the emergency upon this Nation's foreign relations;

-- Coordinating such actions with other nations as may be necessary for the apprehension or neutralization of an extra-national political terrorist group or an international criminal group involved in a peacetime nuclear emergency;

-- Developing United States policy, in consultation with other appropriate departments and agencies, for providing assistance to other nations in connection with a peacetime nuclear emergency;

-- Requesting aid from, or extending aid to, other nations, depending on the circumstances of the emergency; and

-- Protection and control of international organizations and foreign diplomatic, consular, and other official personnel and property in the United States during a peacetime nuclear emergency.

DEPARTMENT OF THE TREASURY is responsible for:

-- Directing any actions required to maintain or to reestablish the orderly operation of the financial system after a nuclear detonation

or major dispersal of radioactive material, including (1) expediting the production and distribution of coin and currency to meet emergency demands; (2) expediting the processing of claims resulting from damage or destruction of currency; (3) providing a moratorium on calling funds on deposit with banks designated as tax and loan depositories; (4) permitting the pledging of government guarantees of loans for rehabilitation purposes as collateral for government deposits; (5) altering procedures pertaining to redemption or replacement of government securities; and (6) giving priority handling of claims for the loss or destruction of government checks;

-- Enforcing custom laws, tax laws, and laws on the control of alcohol and firearms and Title XI (Regulation on explosives) of the Organized Crime Control Act of 1970;

-- Protecting the President, the Vice President, and other designated persons; and

-- Providing information, in consultation with the Department of State, to foreign governments on matters related to financial and monetary concerns and engaging in discussions with foreign countries on those matters.

DEPARTMENT OF DEFENSE is responsible for:

-- Responding, as required, to accidents or thefts involving nuclear weapons and other radioactive material under its control;

-- Subject to the requirements of the military mission and within legal parameters, providing military assistance, both manpower and other resources, in support of and as requested by civil authorities; and

-- Coordinating and controlling the employment of military forces made available to support civil authorities.

Within the DOD, the DEFENSE CIVIL PREPAREDNESS AGENCY is responsible for:

-- Issuance of guidance on the use of civil defense resources at all levels of government, including warning, communications, training, and radiological defense emergency response systems;

-- Assisting NRC in providing training, on-site assistance, and other assistance as appropriate to State and local governments in preparing and exercising peacetime nuclear emergency operational response plans for fixed nuclear facilities;

-- Warning the population, through State and local governments, if feasible, of the expected impact area in the event of an accidental missile launch or other impending nuclear incident; and

-- Informing the public of protective measures to be taken to ameliorate the effects of a nuclear detonation or major radiological contamination.

DEPARTMENT OF JUSTICE is responsible for:

-- Reviewing, when appropriate, the legal procedures developed by Federal agencies and issuing guidance with respect to public facilities, communications systems, transportation systems, or other facilities, systems, or services essential in a peacetime nuclear emergency;

-- Providing legal advice, as appropriate, to Federal agencies on the preparation of plans, directives, and procedures developed in preparation for a peacetime nuclear emergency;

-- Providing legal advice, as required, to the President, the Cabinet, and the heads of Executive departments and agencies on the implementation of emergency measures;

-- Permitting emergency use of health resources of penal and correctional institutions to support State and local authorities in the event of a nuclear detonation;

-- Establishing controls, in cooperation with DHEW, on the distribution and use of narcotics during an emergency;

-- Establishing the mechanism, in coordination with the Department of Defense, for the transition of control of nuclear weapon recovery from the Department of Defense to civilian authority.

-- Managing the government's response to threatened, potential and actual incidents of domestic terrorism involving nuclear materials or weapons.

Within the DOJ, the FEDERAL BUREAU OF INVESTIGATION is responsible for:

-- Investigation of (1) all incidents of sabotage involving nuclear facilities, weapons, and/or materials; (2) any theft of nuclear weapons and/or materials; (3) any extortion using nuclear components, devices, or materials; and (4) any other suspected criminal violations of the Atomic Energy Act of 1954, as amended where necessary. The FBI shall direct the investigative efforts leading to the recovery of the nuclear material. This responsibility includes the investigation of threats directed toward foreign officials and official guests of the U.S.;

-- Assisting DHEW with the identification of the dead.

DEPARTMENT OF THE INTERIOR is responsible for peacetime nuclear emergency planning and response activity in support of operational planning agencies in the following areas:

-- All forms of electric power and energy, including the generation, transmission, distribution, and utilization of this power and energy, consistent with agreements with the Federal Power Commission;

-- Natural gas (consistent with agreements with the Federal Power Commission) and petroleum, including plans for pipelines for their movement and facilities for the storage of petroleum and gas;

-- Solid fuels;

-- Water from all sources which lend themselves to management, control, and allocation to meet emergency requirements. This responsibility shall include coordinating the emergency water planning effort and those departments and agencies having water responsibilities; and

-- Land under Federal jurisdiction.

The Department of the Interior will also be prepared to exercise prolonged trust responsibility, as directed by the President, of any unsafe and hazardous areas resulting from a peacetime nuclear emergency.

DEPARTMENT OF AGRICULTURE is responsible for:

-- Monitoring emergency production, processing, and distribution of food resources;

-- Estimating and minimizing, where possible, losses to agricultural resources from radiation effects;

-- Assuring the safety and wholesomeness of agricultural products in establishments under the continuous inspection of USDA and agricultural commodities and products owned by the Commodity Credit Corporation or by the USDA;

-- Assisting in providing livestock feed to the affected areas.

-- Providing advice on and assisting in the disposition of livestock affected by radiation in coordination with the Environmental Protection Agency and HEW/FDA.

-- Authorizing the distribution of food coupons and emergency food coupon allotments;

-- Use, conservation, disposal, and control of water to insure usable water for agricultural purposes and to prevent floods; and

-- Emergency protection, management, and utilization of National forest timber, range, water and related resources.

DEPARTMENT OF COMMERCE is responsible for:

-- Estimating potential or actual damage to industrial resources (excepting those involved in agriculture, housing, energy production, communications, transportation, or other areas assigned to other [illegible] resulting from a peacetime nuclear emergency;

-- Providing priorities assistance to assure the availability of supplies of essential material, equipment, construction and other services;

-- Invoking anti-hoarding provisions;

-- Directing emergency use of the technical analysis and support capabilities of all its constituent agencies; and

-- Recommending measures and authorities to deal effectively with problems of the industrial sector caused by a peacetime nuclear emergency.

Within the Department of Commerce, the NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION is responsible for:

-- Providing current and forecast weather information and warning advisory services, especially information about wind direction and speed, boundary layer mixing, precipitation, and any other weather parameters affecting radiological fallout during a peacetime nuclear emergency involving large amounts of radiological contamination.

-- Providing gamma radiation level readings from National Weather Service offices as requested by other Federal agencies.

-- Monitoring emergency production and processing of fishery products.

-- Estimating and minimizing, where possible, losses to fishery resources from radiation effects.

-- Assuring the safety and wholesomeness of fishery products in establishments under the continuous inspections of USDA.

-- Providing advice on and assistance in the disposition of fishery products affected by radiation in coordination with the Environmental Protection Agency.

Within the Department of Commerce, the MARITIME ADMINISTRATION is responsible, under the coordinating authority of the Secretary of Transportation*, for providing assistance and direction, and Federal

(*Under arrangements to be agreed to by the Departments of Transportation and Commerce in consultation with EPA.)

operational control if required, in matters relating to the operation of ocean shipping, ports, and port facilities during peacetime nuclear emergencies except those owned, controlled, or under the jurisdiction of the Department of Defense, and excepting those responsibilities of the Department of Transportation with respect to the entrance and clearance of vessels.

DEPARTMENT OF LABOR is responsible for:

-- Effective management and utilization of manpower resources to meet the emergency needs created by a peacetime nuclear emergency;

-- Estimating available manpower skills in the affected area(s) and identification of critical or shortage occupations;

-- Providing income maintenance and protection programs for the affected labor force;

-- Maintaining labor-management relations during and immediately following a peacetime nuclear emergency; and

-- Establishing a mechanism for the wage and salary portion of any wage-price freeze that might be imposed during a peacetime nuclear emergency.

Within the Department of Labor, the OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION provides personnel and equipment to assist in radiological monitoring.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE is responsible for:

-- Assistance to State governments in the development of plans for the prevention of adverse effects from exposure to radiation, including the use of prophylactic drugs to reduce radiation dose to specific organs, and health and medical care responses to radiological incidents;

-- Issuance of guidance on appropriate planning actions necessary for evaluating and preventing radioactive contamination of foods and animal feeds, and the control and use of such products should they become contaminated;

-- Issuance of guidance on emergency radiation doses related to [illegible] health and safety [illegible] hospital, and other [illegible] care personnel, [illegible] EPA.

-- Establishment and issuance of guidelines for radiation detection and measurement systems for use by ambulance services and hospital emergency departments, in cooperation with NRC; and

-- Provision of advice, guidance, technical expertise and materials, and financial assistance, if authorized, to affected State and local governments. This assistance is used to provide emergency medical services, public health measures, and rehabilitation services.

In addition to supporting State and local government activities, DHEW provides the following assistance directly from its headquarters or regional offices or through the detail of personnel to other Federal, State and local government agencies:

-- Evaluating the radiation environment as applicable to health and welfare facilities and services;

-- Inspecting and estimating damages to hospital, medical, sanitary, welfare, and social security facilities, and food and drug stocks;

-- Locating food stocks and determining their fitness for human, animal or industrial use;

-- Recommending actions concerning the condemnation and embargo of contaminated foods, and the salvage and reprocessing of others.

-- Conducting epidemiological surveys and implementation of communicable disease control measures, including mass immunizations, obtaining vaccines, recommending sites for refuse disposal and for surveillance to prevent insect and rodent infestations, and recommending pesticides and how best to apply them;

-- Establishing mental health crisis counseling centers and obtaining official and professional agency personnel to operate these centers;

-- Reestablishing local health and welfare departments, Social Security Offices, and educational facilities, and restoring essential health services;

-- Evaluating requirements for and the availability of health resources (manpower, facilities, supplies);

-- Providing money to obtain food, clothing, shelter, and other necessities, medical care, and social services for eligible beneficiaries;

-- Continuing or restoring social security cash benefits to eligible surviving families, disaster disabled workers under 65, and benefactors of Supplemental Security Income (SSI); and

-- Determining the extent of damages to school facilities, and assisting in filing applications for cleanup, minor repairs to building, replacement of damaged or destroyed equipment, and temporary facilities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT is responsible for:

-- Providing housing and community facilities related to housing and urban development, including all types of accommodations used as emergency and/or permanent dwellings; installation of facilities necessary to furnish water, sewer, electric, and gas service between the housing units and the nearest practical source of these utilities;

-- Assisting in the development of criteria for determining areas to be abandoned or which are best suited for redevelopment in the event of destruction or severe damage;

-- Development of a civil emergency preparedness program to include contingency plans for meeting responsibilities of DHUD, to the extent required by the provisions of E.O. 11051, as amended, and E.O. 11490, as amended, with respect to all peacetime nuclear emergencies for which such civil emergency preparedness planning is required by those Executive orders;

-- Administering and coordinating the Federal disaster assistance program whenever a peacetime nuclear emergency results in a Presidential declaration of a "major disaster" or "emergency" under the provisions of the Federal Disaster Relief

Act of 1974, and the development of emergency response plans for carrying out those functions whenever any such declaration is based upon an incident constituting a peacetime nuclear emergency.

DEPARTMENT OF TRANSPORTATION is responsible for preparing emergency plans and developing emergency programs, in coordination with the Federal transportation operating and support agencies, for the employment of all forms of civil transportation in support of efforts to deal with, and mitigate the effects of the several categories of peacetime nuclear emergencies described in Part II of this document.

Specifically, the Department of Transportation is responsible for:

-- Developing policies, plans, and programs to ensure that all modes of transportation will be used as required, to provide a unified coordinated transportation system to meet the requirements of any peacetime nuclear emergency;

-- Assisting State and local governments in emergency planning for transportation incidents involving nuclear material;

-- Coordinating planning activities of State and local authorities in adjoining areas for joint use of intrastate transportation facilities and services where and when required;

-- Coordinating the development of facilities protection guidance material for transportation systems by the modal operating and support agencies. This guidance shall be directed toward protection of personnel and facilities of operating proprietorships, public and private, from the effects of peacetime nuclear emergencies;

-- Providing leadership and executive management as authorized by law and Executive order, to modal operating and support elements in coordinating the development of interagency planning to ensure the effective management and utilization of transportation resources during peacetime nuclear emergencies; and

-- Developing plans and policies for the utilization of the Coast Guard to meet the requirements of peacetime nuclear

emergencies, particularly for assistance to the DOD in preventing the successful theft of a nuclear weapon.

CIVIL AERONAUTICS BOARD under coordinating authority of the Secretary of Transportation is responsible for administering priorities and expediting requests for exemptions by the air carriers in providing emergency air transportation to and from a peacetime nuclear emergency area(s).

The INTERSTATE COMMERCE COMMISSION is responsible for directing priorities and issuing orders to railroads; granting motor and water carriers immediate emergency operations authorities for expediting the emergency surface transportation of people and property to or from an area(s) affected by a peacetime nuclear emergency; and, under the coordinating authority of the Secretary of Transportation, is responsible for directing priorities governing surface transportation of people and property by all surface modes.

TENNESSEE VALLEY AUTHORITY is responsible for:

-- Assisting the Department of the Interior in the integration of the TVA power system into peacetime nuclear emergency plans;

-- Directing the emergency management, operation, and maintenance of the TVA power system;

-- Directing the emergency management, operation, and maintenance of the TVA water management system; and

-- Assisting the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, in the development of plans for integration and control of inland waterway transportation systems and, in cooperation with the Department of Defense and the Department of the Interior, preparing plans for the management, operation, and maintenance of the river control system in the Tennessee River and certain of its tributaries for navigation during an emergency.

FEDERAL FINANCIAL SUPERVISORY AGENCIES

-- The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Farm Credit Administration, the Federal Deposit Insurance Corporation, and the Securities Investor Protection Corporation participate with the Department of the Treasury in the formulation of peacetime nuclear emergency financial and stabilization policies and programs.

ENVIRONMENTAL PROTECTION AGENCY is responsible for:

-- Establishing Protection Action Guides (PAG), in coordination with appropriate Federal agencies, in terms of projected radiation doses which might result from radiological incidents at fixed nuclear facilities or in the transportation of radioactive materials;

-- Recommending appropriate protective actions which can be taken by governmental authorities to ameliorate the consequences of a radiological incident at a fixed nuclear facility or from an incident involving transportation of radioactive materials;

-- Establishing, in cooperation with NRC, emergency radiation detection and measurement systems guidelines;

-- Developing guidelines for the disposal of the dead, removal of solid wastes, animal carcasses, and other debris, whether radioactive or nonradioactive, which might contaminate the environment;

-- Assisting the responsible agency at the scene of the incident by providing monitoring teams to measure environmental radiation, and to evaluate the extent of the contamination; and

-- Ensuring that adequate potable water is available for public use.

FEDERAL POWER COMMISSION is responsible for supplying data on the nation's electric and natural gas energy systems to Federal agencies having decision-making responsibilities for energy resources during a peacetime nuclear emergency in which a national emergency is declared by the President. The FPC will also provide recommendations and advice for actions and decisions by other Federal agencies based upon the best information available and FPC's experience.

During a peacetime nuclear emergency which does not result in a Presidential declaration of a national emergency, but which does create serious interruptions or threats to the nation's interstate electric system, the FPC is responsible for exercising emergency electric generating and power transfer authorities in accordance with Section 202(c) of the Federal Power Act. The FPC has no similar emergency authority over interstate natural gas transmission systems but will provide extensive data and expert advice to other Federal agencies responding to the needs of the emergency."

GENERAL SERVICES ADMINISTRATION. In addition to the responsibilities of the Federal Preparedness Agency, GSA is responsible for:

-- Providing and managing property and facilities for Government emergency activities;

-- Providing rapid telecommunications, motor vehicles, and other normal support functions for Government operations in areas affected by a peacetime nuclear emergency;

-- Providing rapid restoration or new procurement of needed structures, supplies, and strategic materials during the emergency; and

-- Ensuring that the cultural institutions are included in warning system plans in order to maximize preservation of fine arts, museums, historical buildings, libraries, etc.

SECURITIES AND EXCHANGE COMMISSION is responsible for emergency procedures, which will be prepared in collaboration with the Department of the Treasury and other executive departments and independent agencies, for emergency financial control plans, programs, procedures, and regulations for the maintenance of fair and orderly markets, including plans for:

-- [illegible] suspension of trading, in securities on national [illegible]

-- A national records program to facilitate the determination of current ownership of securities; and

-- Coordination with other Federal agencies on current reporting procedures relating to the movement of capital from or within the U.S. including plans and procedures for expediting the availability of capital to issuers affected by the emergency.

VETERANS ADMINISTRATION is responsible for:

-- Providing emergency inpatient and outpatient care and treatment in VA medical facilities in participation with DOD and DHEW, as provided in interagency agreements; and

-- Making payment of compensation, pension, rehabilitation, education, and insurance benefits during a peacetime nuclear emergency.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION is responsible for:

-- Responding, as required, to accidents involving nuclear weapons and other radioactive material under its control;

-- Assisting other agencies in developing and establishing guidelines on effective systems of emergency radiation detection and measurement, including instrumentation;

-- Determining the accident potential at each non-licensed ERDA fixed nuclear facility;

-- Assisting in assessing the technical credibility of nuclear threats;

-- Conducting those operations required to recover a nuclear weapon stolen from an ERDA facility or while in ERDA custody during transit;

-- Assisting in the location, identification, and deactivation of nuclear explosives, nuclear weapons, or radioactive material [illegible]

-- Assisting in assessing the near and long-term radiological health and safety hazards resulting from a detonation or major dispersal of radioactive material;

-- Assisting in radiological monitoring and decontamination;

-- Providing medical advice on and emergency treatment of radiological exposure; and

-- Assisting in the evaluation of personnel radiation exposure, assessment of radiological hazards, and providing technical and scientific advice on radiological contamination.

The NUCLEAR REGULATORY COMMISSION shall prepare nuclear emergency plans and develop preparedness programs for the continuing conduct of Federally licensed nuclear energy activities. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of nuclear emergency in peacetime consistent with applicable provisions of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, and shall be closely coordinated with the Department of Defense, ERDA and the Federal Preparedness Agency. The Nuclear Regulatory Commission is, in accordance with the Notice of Interagency Responsibilities Statement published in the Federal Register of December 24, 1975, responsible for:

-- Developing and promulgating guidance to State and local governments, in coordination with other Federal agencies, for the preparation of radiological emergency response plans;

-- Reviewing and concurring in such plans. (Proper correlation among State, local government, licensee, and national plans is an element of this review);

-- Determining accident potential of each licensed fixed nuclear facility; and

-- Issuing guidance for establishment of effective systems of emergency facilities evacuation and measurement

UNITED STATES POSTAL SERVICE, by voluntarily complying with the provisions of Executive Order 11490, as amended, as well as carrying out its normal function of delivering the mails, is responsible for:

-- Providing emergency mail service in the affected areas; and

-- Registering persons and families, in cooperation with DHEW, to permit State and local welfare agencies to answer inquiries and reunite families.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION is responsible for:

-- Adapting and utilizing the scientific and technological capabilities of NASA, as required, to meet priority needs of the programs of the Federal Government in a nuclear emergency. These capabilities include radiological, environmental, health, and medical support personnel, radiation sampling, detection, and monitoring instruments, radiation and analytical chemistry laboratory support, and heat-sensing surveillance by both aircraft and satellite; and

-- Assisting, via satellite utilization, in environmental and weather monitoring, communications networks, and damage assessment as requested by other governmental agencies.

POOR ORIGINAL

PART [illegible]

PLANNING COORDI[illegible] [illegible] IMPLEMENTATION

A. Introduction. The number of [illegible] [illegible] categories, the potential variety of types of incidents within each category, the interrelations that exist between categories and types, and the multiplicity of agencies involved in peacetime nuclear emergency operational response planning all point to the need for careful and extensive coordination of the planning efforts. This part outlines the coordinating responsibilities of the operational planning agencies, the supporting agencies, and the State Department. It addresses the special nature of Federal-State coordination, and the overall coordinating role of [illegible] [illegible] provides information on implementation.

B. Operational response planning [illegible] [illegible]. Agencies so designated shall coordinate with:

1. EPA to ensure that [illegible] [illegible] in this document is disseminated and [illegible] [illegible] participating agencies;

2. Other ORPAs to [illegible] [illegible] efforts to insure there are no obvious conflicts in [illegible] [illegible], and to provide for an orderly transition from one [illegible] [illegible] peacetime nuclear emergency to another;

3. Supporting agencies [illegible] [illegible] and effective response measures and [illegible] [illegible] related to the category peacetime nuclear emergency [illegible] [illegible] responsible;

4. State governments [illegible] [illegible] State and local considerations [illegible] [illegible] to the appropriate category [illegible] [illegible] contacts with State governments will be [illegible] [illegible] to minimize the impact of Federal planning [illegible] [illegible].

5. The Department of [illegible] [illegible] international implications and [illegible] [illegible] role as the primary agency [illegible] [illegible] implications.

C. Supporting agency coordination. Agencies so designated will coordinate with:

1. ORPAs to ensure their capabilities and organizational plans related to peacetime nuclear emergencies are reviewed and integrated into the support agencies' planning effort;

2. Other support agencies as needed to ensure proper coordination of responsibilities and inputs to operational planning agencies;

3. State government counterparts on specific State and local considerations concerning response measures to which the support agency has responsibility.

D. The Department of State will coordinate with operational planning agencies, support agencies and State governments, as needed, to facilitate its plans for responding to peacetime nuclear emergencies which have international implications.

E. Federal-State coordination. A significant element of the planning at the Federal level, for responses to peacetime nuclear emergencies for which civil emergency preparedness planning is required under the provisions of Executive Order 11051, as amended, or Executive Order 11490, as amended, is how such planning relates to, and is coordinated with, what is being done at the State and local government levels. Closely related planning by the Federal Government and by the States and their political subdivisions is essential to ensure a coordinated countrywide approach to this important civil emergency preparedness activity. Since adequate Federal-State coordination is a crucial element in planning for, and responding to, peacetime nuclear emergencies, special emphasis is given to it in separate guidance contained in Annex L. This guidance addresses the following factors concerning Federal-State relationships:

1. Established relationships, where they are adequate and where they need clarification or strengthening;

2. The additional or altered relationships required to cope with the various types of peacetime nuclear emergencies;

3. Delineation of State versus Federal areas of responsibility for response measures, including State and Federal agencies' perceptions of these areas; and

4. Policy considerations from 1, 2, and 3, above, and recommendations as to how they should be handled.

F. Federal Preparedness Agency, GSA (FPA), shall be responsible for the overall coordination of the civil emergency preparedness planning effort resulting from this guidance. In carrying out this responsibility with respect to peacetime nuclear emergencies for which contingency preparedness plans are required under the provisions of Executive Order 11051, as amended, or Executive Order 11490, as amended, FPA shall:

1. Provide a continuous forum for the coordination of Federal peacetime nuclear emergency planning activities including making FPA personnel available to facilitate those efforts;

2. Provide additional or revised policy and planning guidance whenever such action will serve a useful purpose;

3. Review guidance that lead planning agencies provide to support agencies;

4. Provide assistance in resolving Federal interagency or Federal-State problems whenever such action facilitates the fulfillment of responsibilities assigned to Federal agencies by this guidance;

5. Encourage States to produce plans related to this guidance as part of their general State civil emergency preparedness planning;

6. Coordinate visits of Federal agency representatives to States in connection with the development of peacetime nuclear emergency plans under this guidance;

7. Ensure that Federal plans are mutually compatible and consistent, paying particular attention to those portions dealing with measures designed to provide for an orderly transition if a situation escalates from a lesser to a more serious category of peacetime nuclear emergency; and

Federal Response Plan for Peacetime Nuclear Emergencies

(Interim Guidance)

ANNEX I

Guidelines for
Federal - State Relationships

April 1977

General Services Administration
Federal Preparedness Agency

FEDERAL RESPONSE PLAN

FOR

PEACETIME NUCLEAR EMERGENCIES

(INTERIM GUIDANCE)

ANNEX I--GUIDELINES FOR FEDERAL-STATE RELATIONSHIPS

APRIL 1977

GENERAL SERVICES ADMINISTRATION

FEDERAL PREPAREDNESS AGENCY

FOREWORD

Annex I, Guidelines for Federal-State Relationships, contains guidelines related to Federal-State relationships in the area of nuclear emergency preparedness planning and a conceptual example of a State nuclear emergency response plan.

Annex I is designed to assist Federal, State and local planners in developing nuclear emergency preparedness plans. As each State and locality has its own special and unique conditions and circumstances in relationship to peacetime nuclear emergencies, the degree of development of preparedness planning among States and localities will vary considerably. This document provides information to Federal, State and local officials on the Federal-State relationships involved in responding to the full spectrum of peacetime nuclear emergencies. It is not intended to prescribe a precise or rigid format, concept or technical approach for emergency plans but rather to make available, in an organized manner, the more significant guidelines and policies developed at the Federal level which should be considered or taken into account by State and local planners.

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CHAPTER I

INTRODUCTION

Although extensive precautions are taken by authorized producers and users of nuclear materials and by operators of nuclear facilities, minor peacetime nuclear emergencies occur and there is an ever-present latent hazard of more serious incidents. Prudence and common sense call for planning and preparedness measures to deal with such emergencies not because they are likely to occur but because of the potentially grave consequence to the community should one take place. The principal utility of such preparedness planning, as a practical measure, will be in the preventive activities and response actions that are developed for the less serious and more likely incidents which are to be found at the lower end of the spectrum of nuclear emergencies. Nevertheless, planning to cope with the more serious incident is also essential for the safety and well-being of the community.

For the purposes of devising systematic policy and planning for dealing with nuclear emergencies in peacetime, the Federal Preparedness Agency, General Services Administration (FPA), has developed the Federal Response Plan for Peacetime Nuclear Emergencies (FRPPNE). This plan provides guidance to Federal agencies to assure that a coherent and comprehensive approach to Federal response activities to nuclear emergencies is developed. Most importantly, it recognizes that, under our constitutional form of government, those emergencies, unless they occur in federally controlled areas or involve federally owned material or equipment, are in the first instance, a matter of concern to State and local authority. Finally it acknowledges that Federal-State cooperation is a fundamental ingredient in effective preparedness planning for nuclear emergencies, in assuring adequate operational responses to such emergencies, and in promoting compatibility between Federal and State plans.

A. GENERAL CONCEPTS

The guidelines for Federal-State relationships which are described herein, are designed to promote the most effective use of the total resources and capabilities available at all levels of government which can be brought to bear in coping with any type of peacetime nuclear emergency. They should help bring about a better understanding of Federal and State responsibilities, thus fostering harmonious and effective working relationships and the development of efficient operational capabilities at each appropriate level of government. The ultimate objective is a mutually acceptable set of relationships at both Federal and State levels that clearly outline the responsibilities of each level; and suitable cooperative arrangements between Federal and State instrumentalities that will optimize combined Federal-State preparedness and preventive measures as well as operational response capabilities relevant to nuclear emergencies.

It is fully recognized that decisions on the role and activities of State and local government agencies are the prerogatives of the individual States, and that they will reflect such considerations as differences in State administrative structure, vulnerability to and experience with disasters, and preferences that may be unrelated to the nuclear emergency problem. This document is premised on the assumption that State and local governments will accept their responsibilities to plan for and respond to peacetime nuclear emergencies. The guidelines set forth in the subsequent chapters are intended to provide a framework which will facilitate harnessing all available resources, Federal and State, in dealing with peacetime nuclear emergencies.

As a reflection of our Federal form of government and as a result of experience over recent decades in dealing with emergencies and disasters, certain general concepts or principles have evolved which provide a foundation for sound Federal-State relationships in dealing with nuclear emergencies. Some of the more important principles are the following:

(1) In the case of major emergencies or disasters posing grave threats to the public welfare and safety, both Federal and State governments have the responsibility and the authority to deal with the situation. For peacetime nuclear emergencies, it is expected that State and local governments will exercise their authority for responding to peacetime nuclear emergencies, and will have prepared plans and developed operational capabilities for the immediate actions needed to protect the public health and safety.

(2) As a central element of their response, State and local governments will commit their own available resources; Federal resources and capabilities are supplemental to those of the States and localities.

(3) The Federal government will be prepared to support State and local governments in coping with disasters and emergencies, including nuclear incidents, and will utilize Federal resources when requested by State authorities.

(4) Existing Federal-State cooperative mechanisms (e.g., State request for a Presidential disaster declaration) would be utilized to the maximum extent feasible in responding to all types of crises and emergencies.

(5) At all levels of government, emergency and disaster relief functions would be performed to the maximum extent feasible by agencies and individuals who perform similar or related functions under non-crisis conditions.

(6) Effective Federal-State collaboration in dealing with emergencies would be promoted by the designation of central agencies at both levels to serve as focal points for developing, reviewing and exercising Federal-State cooperative relationships in dealing with emergencies.

To apply the foregoing principles in a meaningful manner to the problem of nuclear emergencies occurring in peacetime, a common appreciation of the various types of possible nuclear emergencies should exist among officials at the Federal, State and local levels of government.

6. THE NATURE OF PEACETIME NUCLEAR EMERGENCIES

For the purposes of orderly planning and clarity of understanding, the FPA in the FRPPNE classifies peacetime nuclear emergencies in four categories but an emergency may rapidly move from one category to another. To achieve parallel and compatible planning, the adoption of the same classification system by State and local emergency preparedness planners would be highly advantageous. The categories which are based on the degree of seriousness of the incident, are designed to assist planners develop their operational response plans coping with nuclear incidents. It is not anticipated that separate plans would be developed for each category of nuclear emergency. Where planners have developed comprehensive emergency plans for their jurisdictions, they may wish to incorporate into those plans the special response actions that may be needed to deal with the nuclear feature of the emergency.

The categories set forth in the FRPPNE follow:

1. Category I Incidents

The distinguishing characteristics of incidents in this category are that they are limited in scope, create no widespread hazard to people and property, and can be managed under existing governmental or private mechanisms, using available resources and without recourse to extraordinary measures.

In many respects, however, incidents in this category are likely to differ widely as to specific details. They could result from mechanical failure, human error or conceivably human intent. They could be caused by natural phenomena such as earthquakes or hurricanes. The radioactive materials involved could be of any grade in commercial use (e.g., radium or cobalt for medical purposes, or plutonium in reactor cores), or they could be in the form of weapons grade nuclear materials or actual nuclear weapons. Such incidents could occur at fixed sites (reactors or storage locations) or during the transportation of nuclear materials by land, sea or air. They could result in small amounts of radioactive contamination. The consequences of these Category I incidents would be relatively less dangerous and significant than those resulting from the less likely to occur incidents falling in the other categories.

Illustrations of Category I Incidents are:

(1) Small leak at a nuclear power or research reactor due to mechanical failure.

(2) Fire at a nuclear weapon storage facility resulting in minor radiological contamination.

(3) Accident in a nuclear laboratory resulting in minor leaks.

(4) Damage to a nuclear weapon at a storage site with resultant minor release of radioactive material.

(5) Crash landing of an aircraft carrying a nuclear weapon, with no detonation but some minor contamination.

(6) Accident involving a vehicle transporting a nuclear weapon or nuclear materials resulting in minor radiological effects.

(7) Minor leak from a reactor used to power a naval surface ship or submarine.

(8) Minor radiological contamination resulting from an underground test.

(9) Minor radiological contamination resulting from the disposal of radioactive waste materials.

(10) Earthquake damage to a nuclear reactor resulting in minor radioactive leaks.

2. Category II Incidents

Incidents in Category II differ from those in Category I in three major respects. First, Category II incidents are confined to the threat of or potential for casualties and damage; once a nuclear detonation and/or major radiological contamination actually occur, the incident falls into Category III. Second, they have the potential for much more serious consequences to people and property than those in Category I. Third, Category II incidents require more than a routine, low-level response; specialized response actions and arrangements would be required to cope with such incidents. It is quite likely, for example, that a Governor would participate in directing and coordinating the appropriate response actions; Presidential involvement in certain types of incidents would be quite probable.

Illustrations of Category II incidents are:

(1) Theft of a nuclear weapon or other nuclear materials from a manufacturing or storage site, or while being transported; thus raising the presumption of threatened use of the weapon or material.

(2) Overtly threatened use by terrorists, other criminals or deranged persons of a nuclear weapon, nuclear device or nuclear materials for extortion or sabotage.

(3) Takeover of a nuclear reactor power plant by a terrorist group, with the threat of destruction of the reactor.

(4) Sabotage or major accident at a nuclear reactor power plant, with the potential for widespread radioactive contamination.

(5) Transportation accident involving radioactive materials, with the potential for widespread contamination.

(6) Accidental or unauthorized launch of a nuclear weapon by means of a missile or other delivery system, with the potential for impacting in the United States. (Note: This type of incident belongs conceptually in Category II only prior to impact of the weapon in the United States.)

3. Category III Incidents

These are situations in which, despite all preventive, protective and response efforts by appropriate authorities, an actual detonation of a nuclear weapon or device or widespread radioactive contamination, has occurred within the United States. While it appears highly improbable that such situations will develop in the early future, prudence and common sense dictate that governmental authorities should develop plans to respond to such contingencies.

A detonation could result from an accidental or unauthorized nuclear weapon launch. There could also be an accidental or intentional explosion of a stolen nuclear weapon or of a fabricated nuclear device. These detonations could range from a very low explosive yield to a very high one. While widespread radioactive contamination could come from such detonations, it could

also result from the sabotage of nuclear power plants or other fixed nuclear facilities, the explosion of a crude nuclear device made by terrorists, the dispersal of significant quantities of radioactive material by terrorists, or a serious accident involving the transportation of nuclear materials.

The detonation of a nuclear weapon or device could occur in an urban or built-up area causing severe property damage and/or a large number of casualties or it could occur in a remote area with little or no risk to the surrounding population.

Category III incidents may result in a large number of casualties and substantial damage requiring major, non-routine response actions. They differ from those in Category II in that the damage would be real, not merely threatened.

Category III incidents could grow out of Category II situations that have progressed to actual nuclear detonations, or to widespread radiological contamination from other sources. A Category I incident could also progress to a Category III level. Category III incidents would typically fit into one or more of these groupings:

(1) The detonation of a nuclear weapon or device resulting in casualties and/or property damage.

(2) Widespread contamination of people and property by radioactive materials.

(3) The detonation of a nuclear weapon or device and/or contamination which poses little or no threat to surrounding population and property.

4. Category IV Incidents

Category IV involves an environment of conditions which is essentially the result of the effects of Category III incidents that cannot be dealt with in a relatively short time frame; i.e., they require sustained, longer range recovery measures. Category IV conditions are differentiated from Category III incidents not so much because they involve different

kinds of hazards, but because they reflect a longer time dimension and they call for different kinds, scale and duration of response.

A Category III incident would in most instances require immediate actions in such areas as life-saving, search and rescue, emergency medical care and other damage-limiting measures. Many Category III incidents would become Category IV conditions soon after the initial emergency phase is over, since Category III incidents could in many cases involve severe casualties or damage or both. The after-effects would most likely require sustained rehabilitation and recovery efforts extending over a substantial period of time. A specific exception would be a Category III incident that involved the detonation of a nuclear weapon or device and/or contamination which posed little or no threat to surrounding population and property. An incident of this type would not usually lead to a Category IV condition.

Planning for this category of nuclear incident will require national resources and the involvement of Federal agencies. Pending the development of Federal plans and guidance in this area, State planners should assume that response actions and programs to meet recovery needs will be undertaken at the Federal level to supplement State and local efforts.

5. Nuclear Emergencies and Response Actions

In light of the above, the four categories of nuclear emergencies should be viewed as calling for different degrees of preparedness and response actions in the nuclear emergency plan or in a comprehensive emergency preparedness plan when one exists. These actions could involve several levels of government, different agencies and different operational activities.

Since under our constitutional government, the States and their political subdivisions have extensive powers for dealing with emergencies, which include peacetime nuclear emergencies, they would normally have the responsibility for any initial response actions in terms of community public health and public safety. Federal involvement, and consequently any Federal-State contacts and relationships, could be expected to become more significant as the emergency moves up the scale of seriousness and State and local response capabilities are exceeded. Thus in the event of a Category I incident, the governmental response is likely to be limited to providing support for local

:. orities employing local resources and assets with the State providing any c· .r necessary assistance. In some instances, however, certain unique technical assistance may be furnished by Federal agencies when requested by local or State authorities. A Category III incident involving a detonation of a nuclear device or widespread radioactivity would almost certainly find a heavy Federal government participatior..

A table showing the impact and response measures associated with the four categories of nuclear emergencies is shown in Figure I-1.

	DESCRIPTION	IMPACT			RESPONSE ACTIONS
		NATURE	SCOPE	DEGREE	
I	[illegible]	MINOR RADIOACTIVE CONTAMINATION IN A LIMITED AREA	HUMANS, LIVESTOCK, WATER, FOOD STUFFS AND OTHER MATERIALS USED BY MAN	NO WIDESPREAD HAZARD TO PEOPLE OR MATERIALS	DAMAGE LIMITING AND CORRECTIVE MEASURES TO DEAL WITH THE EFFECTS OF LIMITED RADIO ACTIVE CONTAMINATION
II	[illegible]	THREAT OR POTENTIAL FOR SERIOUS TO CATASTROPHIC DISRUPTION AND/OR CONTAMINATION, SIGNIFICANT PSYCHOLOGICAL COMPONENT	POTENTIALLY SAME AS CAT I PLUS MAN MADE STRUCTURES AND FACILITIES AND SOME NATURAL RESOURCES ACTUALLY ONLY THREAT OF CASUALTIES AND DAMAGE	POTENTIAL FOR EXTENSIVE CASUALTIES AND DAMAGE, ACTUAL PRESSURE ON CRISIS MANAGEMENT CAPABILITIES AT VARIOUS LEVELS OF GOVERNMENT	CRISIS MANAGEMENT MEASURES DESIGNED TO PREVENT OR MITIGATE THE EFFECTS OF A THREATENED EXTENSIVE TO CATASTROPHIC NUCLEAR INCIDENT
III	[illegible]	CASUALTIES, DAMAGE AND CONTAMINATION NOT LIMITED TO IMMEDIATE AREA OF USE	HUMANS, LIVESTOCK, WATER, FOOD STUFFS, MAN MADE STRUCTURES AND FACILITIES, SOME NATURAL RESOURCES AND OTHER MATERIALS USED BY MAN	UP TO EXTENSIVE FATALITIES AND INJURIES AND WIDE SPREAD DAMAGE AND CONTAMINATION	IMMEDIATE AND SHORT TERM ASSISTANCE AND RECOVERY MEASURES FOLLOWING A CATASTROPHIC NUCLEAR INCIDENT
IV	[illegible]	SAME AS III BUT CONTINUING OVER A LONGER TIME PERIOD	SAME AS III	SAME AS III BUT CONTINUING OVER LONGER TIME PERIOD	SUSTAINED, LONGER RANGE RECOVERY, REHABILITATION AND RECONSTRUCTION MEASURES FOLLOWING A CATASTROPHIC NUCLEAR INCIDENT

Figure 1-1. PNES Impact and Response Actions

CHAPTER II

PEACETIME NUCLEAR EMERGENCY PREPAREDNESS AT THE STATE LEVEL

A. GENERAL

There is considerable diversity among States in terms of characteristics or factors that affect a State's vulnerability to peacetime nuclear emergencies and the extent to which preparedness planning for such emergencies has been undertaken by State authorities.

In the event that a nuclear emergency occurs in peacetime, the seriousness of the incident with which a State may have to cope will be determined in substantial part by the magnitude and nature of the nuclear detonation, by the extent and intensity of radioactive contamination if dispersal occurred or by the potential of the incident to cause casualties and property destruction. But the seriousness of the impact will also be affected by a number of other considerations and factors that will have a bearing on the State's vulnerability to such emergencies.

B. LEGAL AUTHORITY

While the precise legal basis for a State to undertake emergency preparedness planning and response activities may vary from State to State, the authority to do so appears adequate for all essential activities. In most cases, states have adopted the basic premise that the basic responsibility for coping with emergencies or disasters, natural or man-made, rests with the local authorities of the political subdivision in which the incident occurs. Those public officials are responsible for dealing with the incident until such time as it is determined that their best efforts will not be adequate to cope with the situation. At that time, and depending upon the situation, the Governor and State authorities at the request of those officials, would assume responsibility for emergency operations.

This basic premise of governmental responsibility in virtually all states is derived from State constitutions and common law. States have

supplemented those authorities by enacting specific statutes for particular emergency purposes. Thus in varying forms States have enacted statutes to enable State and Local authorities to deal with emergencies resulting from natural or man-made disasters or from hostile or war-time actions. The legislation normally made clear the Governor's responsibilities to plan for, direct and control emergency operations; established a central State office responsible to the Governor usually a disaster emergency agency, or civil defense agency (in some instances both may be present); and provided appropriate legal authorities to cope with emergencies, whether peace-time or war-time, natural or man-made. However, in few instances does such legislation specifically deal with planning for or responding to peacetime nuclear emergencies.

The advent of nuclear energy and the growing use of radioactive materials for industrial, medical, research and other purposes has led many States as a matter of public health and safety to enact into law, either by statute or executive order, regulatory measures to control and regulate nuclear facilities and radioactive materials. These authorities have normally addressed such considerations as licensing facilities, registering sources of radiation, transporting radioactive materials, standards for control of radiation, contamination of the environment and protection and safety of nuclear and radioactive materials. These measures in combination with a State's authorities with respect to disasters or civil defense situations normally provide State authorities a satisfactory legal basis for undertaking preparedness planning and response activities for nuclear peacetime emergencies.

Because of the potential for serious and widespread effects which could exceed the territorial limits of a State and which could also exceed State response capabilities, a number of States have provided a statutory basis for the Governor to enter into interstate compacts with contiguous or nearby States and with agencies of the Federal government for assistance in the event of a peacetime nuclear emergency. Compacts with other States normally pertain to a specific region and are designed to arrange for mutual assistance in the event of an emergency. Agreements with Federal agencies normally

arrange for Federal assistance as may be authorized by law when requested by State or local authorities in coping with a nuclear emergency.

Appendix A lists a number of major factors which could be involved in a peacetime nuclear emergency and for which State authorities would wish to have legal authority pertaining to that factor to assure meaningful preparedness planning and response activities. In many instances, adequate authority may already exist as a part of the State's normal governmental operations, disaster emergency or civil defense activities. Each State will undoubtedly find that special considerations, constitutional and legal factors and governmental practice will lead it to develop the legal basis for peacetime nuclear emergency planning somewhat differently than other States. Appendix A is intended to provide a guideline to assure that the major and critical factors are covered statutorily.

C. STATE VULNERABILITY TO PEACETIME NUCLEAR EMERGENCIES

As a first step in assessing their capability to respond to a nuclear emergency, several States have examined their exposure to peacetime nuclear emergencies through a process termed vulnerability analysis or hazard analysis. This examination is an important element in prevention and recovery planning since comprehensive and effective plans need to be based on the knowledge and understanding of the factors that create the vulnerability to a nuclear emergency. In this connection, the status of a State's preparedness planning can in itself be a factor which affects the State's vulnerability to the effects of a nuclear emergency.

In determining the factors which contribute to a State's vulnerability to nuclear emergencies, consideration should be given to such matters as population, geography, climate/weather, geology, and the presence of nuclear facilities or materials. Obviously, a nuclear release occurring in a densely populated State has the potential for harm to a greater number of individuals than a release occurring in a State only sparsely populated due to the concentration of people and the complexities of evacuation. States with large cities (e.g., California, Illinois, New York) are likely to

suffer more serious effects from a nuclear release than those States (e.g., Alaska, Nevada, North Dakota) which have no large cities or major population concentrations.

Geography and climate/weather of a State contribute to assessing vulnerability in several ways. A State's terrain (mountains, tablelands, plains) will help determine the spread of radioactivity. Mountains can act to contain the dispersal of radioactive particles but, in a plains region, such particles may be carried by the wind across the plains contaminating a large area. Weather conditions such as rainfall and snowfall are also pertinent in a vulnerability assessment. Precipitation tends to reduce the effects of a radioactive release since it quickly carries the radioactive particles to the ground, thus preventing their spread by winds to other areas. The amount of precipitation a State receives is also related to the seasons; hence, vulnerability could be affected by the time of year during which the release occurs.

Earthquakes can affect the vulnerability of a State to a nuclear emergency. Thus, recognizing fault lines and an area's susceptibility to earthquakes becomes an important element in nuclear power plant siting and licensing procedures. An earthquake occurring in the vicinity of a nuclear power plant might damage the reactor to the extent that there could be a release of radioactive materials. These geological considerations result in extensive studies with a significant investment of time and funds by the private utilities in reaching a decision on the construction of a nuclear power plant. Similarly, the NRC in connection with its licensing procedure devotes considerable attention to this matter.

A State's vulnerability is also related to the number of nuclear facilities and the quantities of nuclear materials (civilian or military) located and/or transported within its borders. States that have a larger number of nuclear power plants or facilities than other States are likely to be more vulnerable to a nuclear emergency. Similarly, those States which have major highway and railway centers are likely to be more vulnerable because of the number of shipments of nuclear materials being transported across [illegible].

In evaluating State vulnerability, it is important to consider the possibility of terrorist threats. With increasing terrorist activities nationwide, it is realistic for States to be concerned over possible nuclear materials related threats. Recent studies show certain States to be particularly vulnerable to bombing incidents. By analogy, these States may also be vulnerable to nuclear incidents caused by terrorists. The vulnerability of States to a nuclear emergency as a consequence of terrorist activity could increase as terrorists make more frequent use of nuclear materials as either targets of their actions or as weapons to accomplish desired ends or for the purposes of threats and blackmail. As international proliferation of nuclear materials provides the terrorists with additional potential sources of nuclear materials, the potential vulnerability of States could increase.

Other considerations which need to be taken into account in assessing vulnerability are: States with high vulnerability factors increase the vulnerability of contiguous States because of the dangers of spread of radioactivity; the extent to which a State has developed its preparedness planning for the range of possible nuclear incidents lessens its vulnerability; and the degree to which contiguous States are prepared for a nuclear emergency.

In preparing vulnerability or hazard analyses, State planners should consult with those Federal agencies which can provide essential data for the analysis. For licensed nuclear power facilities within a State, information on safety and hazard factors pertaining to the particular facility can be obtained by studying applicable sections of the Final Safety Analysis Reports prepared by the licensee as required by NRC. Similarly, the Energy Research and Development Administration (ERDA) can provide data with respect to facilities and activities involving nuclear materials which are controlled by that Federal Agency and are located or occur within the State undertaking the vulnerability analysis. Within the limits of security, the Department of Defense and the Armed Forces can provide information on nuclear weapons/devices and related activities which could affect a State's vulnerability to a nuclear event for which it should plan. Other agencies such as the FBI, the U.S. Coast Guard Service, the U.S. Geological Survey, EPA, PHS, etc., can provide information and basic data on technical aspects of the analysis involving [illegible] particular expertise.

D. STATE PREPAREDNESS PLANNING FOR NUCLEAR EMERGENCIES

Within a State, one agency is usually given primary responsibility for preparedness planning for peacetime nuclear emergencies and has the central role for coordinating State response operations to meet such emergencies. In some States, it is a special agency often called the Office of Emergency Services (OES); in others it may be delegated to an existing agency with other primary responsibilities. Most States have enacted separate statutes defining responsibilities for the emergency services and radiation control functions and designating different State agencies for those activities.

In most States, the OES (or its equivalent) is directly responsible to the Governor and is responsible for overall planning and subsequent operational response coordination for peacetime nuclear emergencies. It also would normally be concerned with conventional civil defense, natural disaster response, search and rescue, the operation of the State "Emergency Operation Center," and the coordination and supervision of emergency preparedness training and exercises. The OES in carrying out its responsibilities would receive technical support from the appropriate State agencies, i.e., the Radiological Health Office (RHO) on radio-activity and decontamination matters.

In a few States, the RHO has been given primary responsibility for nuclear emergency planning and response, at least for Category I incidents. However, if the incident should become more serious, falling into Categories II, III or IV, it would require an increased effort at the State level and the OES (or its equivalent) probably would assume a larger operational role. The RHO, however, normally performs radioactivity monitoring and related laboratory analysis. Usually it has the authority to act in emergencies, but during planning stages, it normally limits its activities to furnishing technical information and assistance to the OES.

At the local level, preparedness planning for peacetime nuclear emergencies is primarily the responsibility of the county/city level emergency agencies and law enforcement officials. Where a coordinator is a full-time official, he usually can accomplish the degree of preparedness directed by the State OES, though local agencies normally

depend heavily on the State for assistance. At nuclear facilities (e.g., nuicear power plants), the facility owner/operator will normally have developed emergency preparedness plans and will have coordinated them with the appropriate State and local agencies.

The policies and plans of the States concerning nuclear emergency preparedness are as different and diverse as are the States themselves. With very few exceptions, State nuclear emergency preparedness plans are concerned primarily with fixed-site nuclear power generating facilities and, in some instances transportation incidents. Most States have not begun to plan with the same degree of detail for other categories of peacetime nuclear emergencies such as theft, extortion, threat, blackmail, terror or accidental detonation of a nuclear weapon. Response planning for peacetime nuclear emergencies, as it is more fully developed at the Federal level, should result in responsible Federal agencies providing more definitive advice and guidance to State authorities on the Federal role in nuclear emergencies.

E. INTERSTATE COOPERATION

In order to lessen their vulnerability and to respond more effectively to peacetime nuclear emergencies, 35 States have entered into cooperative assistance arrangements (Figure II-1). The Southern Interstate Nuclear Board, the Southern Emergency Response Council, the Western Interstate Nuclear Board and the New England Interstate Agreement each provide for their member States assistance and support capabilities in the event of a nuclear incident. (Although the States in the Midwest have formulated a similar agreement, it has not yet gained Congressional approval.) Such agreements provide information on what resources each State has available to cope with peacetime nuclear emergencies and which could be called upon by other States party to the agreement in the event help is needed. The arrangement also serves to facilitate coordination of response efforts across State borders.

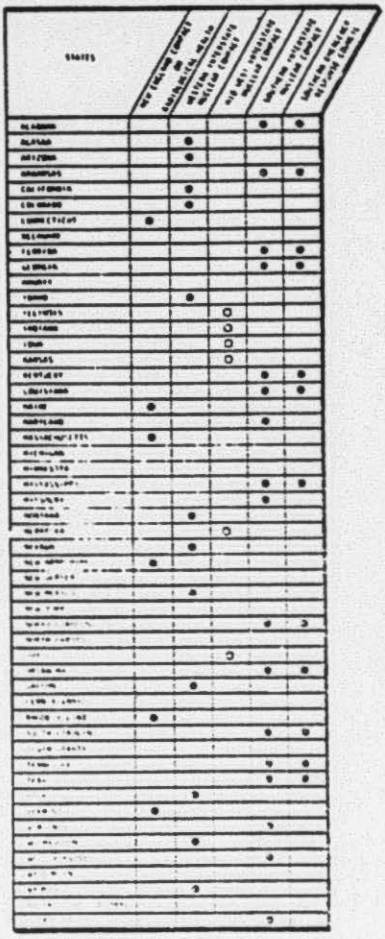

Figure II-1. Interstate Agreements

F. SUMMARY

In summary, most States have formulated plans for peacetime nuclear emergencies. These plans would permit State and local authorities to respond satisfactorily to most Category I incidents and in some instances the radiological defense phase of those plans would permit the authorities to cope with some aspects of a nuclear detonation. Very few States have included in their nuclear emergency plans provisions for dealing with Category II incidents involving nuclear threat or blackmail or the theft of nuclear weapons or materials. For emergencies resulting from the detonation of a nuclear weapon or device (Category III), State authorities have not developed specific plans for that category of incident but would rely upon emergency preparedness plans and nuclear emergency plans to deal with the disaster, particularly the problems of radioactivity and contamination. States have not prepared specific plans or response plans or responses for Category IV situations believing the magnitude of the event would require Federal assistance. Nevertheless, even in such situations, the States should be able to provide significant resources, which would be supplemented by Federal resources and assistance to permit dealing with the incident in a satisfactory manner.

CHAPTER III

FEDERAL CAPABILITIES FOR PLANNING AND RESPONDING TO NUCLEAR EMERGENCIES

A. INTRODUCTION

For many years the Federal government has been concerned with emergency preparedness for a variety of contingency situations ranging from natural disasters to general nuclear war. In recent years, particularly with the growth of a nuclear industry in the United States and the proliferation of nuclear weapons and materials, a number of Federal agencies have been engaged in various aspects of preparedness planning for nuclear emergencies that might occur in peacetime. Thus far those nuclear emergency incidents which have occurred have been of relatively minor scope. The potential for more serious emergencies clearly exists and preparedness planning is essential to the protection of the public health and safety of the national welfare.

B. LEGAL AUTHORITY

As a broad generalization, adequate authority exists in the Federal statutes to provide a legal basis for those actions which may need to be taken promptly by Federal authorities directly or to assist State and local authorities in coping with a nuclear emergency (see Appendix B). In particular, the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, provide adequate statutory authority to enable the President through such agencies as NRC, ERDA, DOD and the FEI to take such actions as may be warranted by the incident. Those legislative acts are supplemented by the constitutional authorities of the President and other statutes enabling Federal agencies to provide assistance, rescue services and other damage limiting measures, either directly or through state and local authorities. It is likely, in addition, that in the event of a particularly serious incident, the President would seek special Congressional authorization and appropriation of funds to undertake specific long range programs to deal with the recovery and reconstruction problems that would be involved.

C. EXISTING FEDERAL POLICIES AND PLANNING

The central focus of policy and planning guidance related to nuclear emergencies is the "Federal Response Plan for Peacetime Nuclear Emergencies" (FRPPNE) issued by the FPA. It represents a major and comprehensive approach to this complex problem. It establishes, for planning purposes, the four categories of nuclear emergencies; sets forth policy guidelines, assumptions and planning guidance to facilitate the development of a coordinated Federal response capability; and assigns responsibilities to Federal departments and agencies for particular aspects of operational response planning and for support planning for the four categories of emergencies.

The principal policy guidelines established by the FRPPNE are:

(1) Primary emphasis in planning and preparedness will be placed on preventive measures to deter or control nuclear emergencies.

(2) Maximum feasible use will be made of existing legislative and executive authorities, existing response plans and existing organizational structures and coordinating mechanisms.

(3) Federal operational response plans will be designed to support State and local emergency preparedness and response efforts.

The FRPPNE designates operational response planning agencies for emergencies in Categories I, II and III, and charges FPA, as an interim measure, with developing an approach to planning for Category IV situations. The general task assigned to operational response planning agencies is management of the effort required to produce complete, coordinated Federal operational plans for responding to the incident category concerned (see Appendix). More specifically those agencies are charged with:

(1) Determining the complete list of Federal and private supporting agencies and enlisting their assistance.

(2) Providing planning guidance for the supporting agencies, including as appropriate, such elements as assumptions, casualty estimates and property damage estimates that can be used as a standard data base for planning.

(3) Ensuring that all functions essential to an effective response are included in the planning for which the operational response planning agency has overall responsibility. These functions should include the technical tasks required to assess, counteract and control radiological effects; the humanitarian activities designed to minimize the impact on individuals; and the recovery measures directed at restoring essential services to the affected area.

The FRPPNE also directs Federal operational response planning agencies to coordinate with State governments on general State and local considerations related to nuclear emergency planning and response. Federal support agencies are similarly charged with coordinating their efforts with their State government counterparts concerning response measures. The FPA, with responsibility for overall direction of the nuclear emergency planning effort, is charged with providing assistance in resolving possible Federal-State problems related to such emergencies and with encouraging the States to produce nuclear emergency response plans as part of their general emergency planning activities.

Thus, the FRPPNE establishes the general framework for the development of more specific and more extensive Federal-State relationships in dealing with nuclear emergencies. The highlights of existing Federal policies and response planning as they affect those relationships and which should aid emergency planners at the State level are summarized below. Although each category is discussed separately, the policies and planning involved applies to more than one category of nuclear emergency. For example, planning designed to cope with minor radiological contamination (Category I) should be appropriately applicable and relevant to contamination problems in Category III incidents.

1. Category I Incidents

Since by definition Category I nuclear emergencies are relatively small scale events with limited impact, they will be managed primarily by State and local response capabilities. Regional or other field elements

of Federal agencies may become involved with their State counterparts, but the involvement will normally take the form of "on-the-spot" assistance. Toward this end Federal agencies have developed guidance on dealing with Category I nuclear emergencies to aid their regional or field offices in rendering assistance to State and local authorities.

a. General Planning Guidance: Radiological Incidents

The Federal Preparedness Agency has published a Federal Register Notice, dated December 24, 1975, entitled "Radiological Incident Emergency Response Planning: Fixed Facilities and Transportation." This notice or "statement of responsibilities" contains a number of provisions relevant to Federal-State relationships in dealing with nuclear emergencies. To assist nuclear emergency preparedness planners, the responsibilities of the various Federal agencies concerned with nuclear emergency response planning were set forth.

(1) The Nuclear Regulatory Commission (NRC) is the lead agency in radiological incident emergency response planning, training and other assistance activities covered in the Federal Register Notice. NRC is responsible for:

(a) Development and promulgation of guidance to State and local governments in coordination with other Federal agencies for the preparation of radiological emergency response plans.

(b) Review and concurrence in such plans, to include correlation among State, local government, licensee and national plans.

(c) Issuance of guidance to other Federal agencies concerning their authorities and responsibilities and authorities in providing assistance to State and local governments in radiological incident emergency response planning.

(2) The Environmental Protection Agency (EPA) is responsible for providing assistance to State agencies with radiological emergency response tasks in the development of their emergency plans relative to nuclear facilities and transportation incidents. For this purpose, EPA has issued "Protective Action Guides" which provide practical guidance for consideration by State and local officials who are responsible for developing criteria to use in dealing with radiological emergencies that would present a hazard to the public.

(3) The Energy Research and Development Administration (ERDA) is responsible for:

(a) Providing guidance, consistent with NRC guidance, to State and local governments on the development of that portion of their radiological incident emergency response planning which is related to ERDA-managed and operated facilities and ERDA-controlled radioactive materials in transit;

(b) Cooperation with the involved Federal agencies in the development and implementation of radiological emergency response planning assistance for State and local governments, consistent with NRC guidance; and

(c) Through the Interagency Radiological Assistance Plan develop an interagency arrangement for rendering rapid and effective radiological assistance to State and local governments using Federal resources.

(4) The Department of Health, Education and Welfare (DHEW) is responsible for assisting State health departments, State hospital associations, and other professional organizations and ambulance services in the development of plans for the prevention of adverse effects from exposure to radiation, including the use of prophylactic drugs.

(5) The Department of Transportation (DOT) is responsible for providing guidelines, in cooperation with NRC and other Federal agencies, and consistent with NRC guidance, for the development of that portion of State and local emergency plans pertaining to transportation incidents involving radioactive materials; and for assistance to State and local governments in emergency planning for such transportation incidents.

(6) The Defense Civil Preparedness Agency (DCPA) is responsible for assistance to State and local authorities in planning the emergency preparedness actions required to provide the mechanisms for coordinated emergency operations in response to radiological incidents, consistent with NRC guidance.

(7) The Federal Disaster Assistance Administration (FDAA) is responsible for:

(a) Providing guidance to State and local authorities on the disaster preparedness aspects of State emergency planning for fixed nuclear facilities and transportation incidents involving radiological materials, consistent with NRC guidance.

(b) Recommendations to NRC as to appropriate planning actions necessary for review of State and local planning activities.

(8) The Federal Preparedness Agency (FPA) is responsible for general monitorship of radiological emergency response planning and training, and specifically for:

(a) Review and endorsement of NRC guidance and planning assistance to State and local governments.

(b) Assistance in solving Federal-State problems related to Federal responsibilities.

(c) Encouragement of States to produce plans related to nuclear incidents as part of their general State emergency planning.

(d) Assistance to NRC, ERDA and DOT in developing priorities, when required, for providing planning assistance to State and local governments.

(e) Facilitating State and local contacts for NRC, ERDA, and DOT.

b. Radiological Incidents at Fixed Nuclear Sites

An important related guidance document is NRC's NUREG [illegible] 111 (formerly WASH 1293), "Guide and Checklist for the Development and Evaluation of State and Local Government Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities."

(1) Radiological emergency response planning guidance is provided to State and local governments for occurrences which might have an impact on public health and safety arising from the operation of any type of fixed nuclear facilities, including licensed nuclear power plants, reactor fuel reprocessing plants, test and research reactors, and other facilities using or processing large quantities of radioactive materials.

(2) Guidance data is provided for inclusion in State Radiological Emergency Response Plans, and in other State and local emergency plans as appropriate.

(3) Detailed, specific guidance is provided for the development of State and local government radiological emergency response plans in support of fixed nuclear facilities. This guidance includes extensive checklists of essential functions for which planning is needed, an example planning concept, a representative list of involved government and private organizations, a listing of potential functional capabilities relevant to radiological emergency response planning, and a "checklist of key review points" for use in monitoring plan development.

The document also contains a number of suggestions to the States to guide their emergencies planners:

(1) States should maintain general plans for providing emergency services and resources anywhere within their borders, and the States' radiological emergency response plans should be made a part of, or serve as annexes to, the general emergency response plans.

(2) States should encourage and support the development of local emergency response plans which should be agreed to by the State, the involved local authorities, the nuclear facility operators, representatives of contiguous States, and regional representatives of NRC and other concerned Federal agencies.

(3) Key State and local authorities and nuclear facility operators should meet at least annually to review and update their coordinated plans.

(4) State and local governments that are developing comprehensive emergency preparedness plans for dealing with floods, earthquakes or other disaster situations which might necessitate large scale displacement of people and the provision of various emergency services, should also consider integrating their nuclear emergency plans into these comprehensive emergency plans.

(5) Nuclear facility operators should make arrangements with State and local organizations for special emergency functions such as ambulance, medical, fire and police services. If nuclear preparedness planning for emergencies at such facilities is to be meaningful, this is virtually a mandatory requirement. State and local authorities should consider taking the initiative to assure that facility operators do make such arrangements.

(6) The importance of accident assessment by facility operators is stressed and the need for prompt recommendations by operators to State and local governments concerning protective measures is underscored. State and local governments should consider developing a capability to undertake accident assessments to supplement the capability of facility operators and to provide senior public officials with an independent assessment.

c. Radiological Incidents During Transportation

Many of the planning elements applicable to fixed nuclear facility incidents also have applicability in dealing with transportation accidents involving nuclear materials. But accidents in the latter category have certain unique characteristics which warrant separate guidance. Accordingly, NRC working with the DOT intends to issue a separate guidance document dealing with transportation accidents.

d. Incidents Involving Federally Controlled Nuclear Materials

The Department of Defense (DOD) provides guidance on responding to radiological incidents involving nuclear weapons or other nuclear materials under DOD control. The basic statement of DOD responsibilities in this area is contained in DOD Instruction 5100.52 Subject: "Radiological Assistance Responsibilities in the Event of an Accident Involving Radioactive Material", dated January 11, 1967. Each of the military services has established internal organizational and procedural arrangements for responding to radiological incidents falling within their jurisdictions.

Similarly, ERDA provides guidance on incidents with respect to nuclear weapons or other nuclear materials under its control. This guidance is available to State and local agencies concerned with response planning for radiological incidents through the ERDA Regional Coordinating Offices for radiological assistance.

Useful unclassified information on safety precautions, potential health hazards, and emergency procedures applicable at the scene of an accident involving nuclear weapons is contained in a joint DOD/ERDA publication, "Guidance and Information on Nuclear Weapons Accident Hazards, Precautions and Emergency Procedures," (WASH 1274), October, 1973.

e. Other Federal Agency Assistance

1) Interagency Radiological Assistance Plan (IRAP)

IRAP is a Federal interagency arrangement which provides a means for rendering rapid and effective radiological assistance utilizing Federal resources in the event of a peacetime nuclear emergency for the protection of the public health and safety. ERDA is the designated agency under the Plan responsible for administration, coordination and implementation of emergency measures in cooperation with the participating Federal agencies. Although IRAP is a Federal plan, it anticipates cooperation and reciprocity with State and local authorities in the event of an emergency.

The IRAP has been formally promulgated by ERDA through its Radiological Assistance Plan which is designated as ERDA-60, dated July 1975. "ERDA-60" describes the responsibilities and types of assistance available from the participating IRAP agencies and the locations and phone numbers of ERDA Regional Coordinating Offices and describes the national and regional capabilities of the IRAP agencies.

2) Joint Nuclear Accident Coordinating Center (JNACC)

To provide a central information and notification point for peacetime nuclear incidents, ERDA and DOD established JNACC at Albuquerque, New Mexico. JNACC maintains world-wide information on military services and ERDA equipment and personnel resources to provide radiological assistance. It is manned by an ERDA element and a DOD element.

The assistance of the DOD and/or ERDA radiological emergency teams may be obtained by State or local authorities by calling the nearest ERDA Regional Coordinating Office or the commanding officer of the nearest military installation. Explosive Ordnance Disposal (EOD), decontamination (DECON) and radiological monitoring (RAD-IN) teams, nuclear health physicists, radioactive hazards specialists and other technical personnel are available through JNACC. Specialized equipment to detect and monitor radiological hazards will be brought by the responding team.

JNACC can draw on the overall response capabilities of the military services and ERDA resources to aid in coping with a nuclear emergency. Each military service and ERDA maintain personnel and equipment for such purpose.

3) U.S. Armed Forces Assistance

The Commanding Generals of First, Fifth and Sixth Armies have developed plans to provide assistance in the event of an incident in their area of responsibility. Nuclear emergency teams, "Explosive Ordnance Disposals (EOD)" teams and radiological emergency teams are maintained for assistance to State and local governments. The Navy and the Air Force also maintain response forces capable of assisting State and local authorities in the event of a nuclear incident.

The assistance of military nuclear incident response forces can be requested or arranged for through the JNACC, the Commanding General of the appropriate numbered Army or through the closest major military installation.

2. Category II Incidents

In recent years, there have been a limited number of threats to detonate nuclear devices in the United States, but such threats have turned out to be hoaxes. There have been no actual or threatened, unauthorized or accidental nuclear weapon launches affecting the United States. And no major nuclear reactor accidents or major nuclear transportation incidents have occurred. Thus actual experience in coping with and responding to Category II nuclear emergencies has been very limited. Nevertheless an incident of this type could introduce unprecedented requirements for coordination and collaboration between Federal and State authorities.

a. Nuclear Theft, Extortion or Sabotage

The FBI is charged by law with investigating all incidents of sabotage involving nuclear facilities, materials and/or weapons; thefts of nuclear weapons and/or materials; or any extortion using nuclear components, devices or materials. The FBI has, over the years, developed extensive cooperative relationships with State and local law enforcement officials which

often reach back over many decades. Presidential directives of September 6, 1939, January 9, 1943, and July 24, 1950 call upon law enforcement officers throughout the nation to report promptly to the FBI all information relating to espionage, sabotage and subversive activities. The 1950 directive also suggested that "all patriotic organizations and individuals" likewise report all such information to the FBI. It can be expected that, in the event of a nuclear incident, the FBI would rely on its established working relationships for appropriate coordination with State and local law enforcement authorities.

Upon notification of an incident involving a nuclear threat or extortion, the theft of nuclear materials or weapons, or sabotage at a nuclear installation, the FBI would become the lead agency. As such it would have the responsibilities for the investigative and technical activities. In the case of a nuclear threat, the FBI would be the coordinating agency and a major contributor to the preparation of an assessment of the threat. It would bring together its judgments and views, those of ERDA on technical aspects and those of the NRC and of other agencies or sources which can contribute to the assessment. The FBI would then make this assessment available to the Governor, Mayor or other appropriate public official. The responsibility for any actions involving the public upon determination of a credible threat would rest with the Chief Executive of the political subdivision where the incident occurs or with the Governor of the State.

In carrying out its responsibilities, the FBI would maintain liaison and coordination with appropriate DOD, ERDA, NRC and other Federal agencies which could provide technical assistance and support on measures designed to counter or neutralize an extortion threat or to recover stolen nuclear materials. For technical support, the FBI in most instances will look to ERDA as the primary agency to direct or supervise technical operations involved in the search and analysis of the purported nuclear device and in determining the technical credibility of a threat.

In its relationship with the State and local law enforcement authorities, the FBI would look to those authorities to undertake such measures decided upon as being necessary for the safety of the community. These could involve area isolation and cordoning, evacuation,

traffic control, local security, fire fighting services and local basic law and order activities.

b. Accidental or Unauthorized Launch of Nuclear Weapons

The possibility exists that accidental or unauthorized launches of nuclear weapons could occur originating outside the U.S., with weapon impact within the U.S. In recognition of this possibility, the U.S. and U.S.S.R. in 1971 entered into a Nuclear Accident Agreement, which provides for mutual and timely notification in the event of an authorized or accidental launch involving a possible detonation of a nuclear weapon. Appropriate notification procedures have been instituted to implement the Agreement. The Department of Defense has primary responsibility for responding to an accidental or unauthorized launch of a nuclear weapon. By following notification and warning procedures, the military services would provide rapid advice to the proper State authorities, and warning to the populace if time permits through civil defense procedures.

c. Nuclear Accident

The third group of Category II incidents concerns accidents at nuclear power reactors, facilities or in the transportation of nuclear weapons/materials which have the potential for widespread hazards or damage to people and property. It can be anticipated that initially the guidelines and responsibilities described for Category I incidents would be applicable but precautionary measures would be taken at the Federal level to alert an emergency or crisis management structure which could rapidly assist the State and local level in the event the incident became more serious and exceeded State and local response capabilities. This structure would monitor the incident, take those precautionary measures as may be needed to cope with a serious nuclear emergency (Category III) and alert those Federal authorities and agencies which might become involved in operational response activities.

3. Category III Incidents

There has thus far been no actual experience with a nuclear detonation or with widespread radioactive contamination in the United States; and guidelines specifically designed to apply to Federal-State relationships

in dealing with Category III nuclear emergencies are only in the early stages of development. There has, however, been significant experience with related kinds of emergencies: large-scale natural disasters and minor radiological incidents. While that experience is not conclusive nor sufficient to provide a basis for guidelines for this category, it does provide some useful indicators. Clearly, it can be anticipated that the basic responsibility for coping with a Category III emergency will rest with the State authorities but that the Federal government will be prepared to provide large scale assistance or under certain unusual or extenuating circumstances to assume the basic responsibility for dealing with the emergency.

The scope and magnitude of a Category III incident would require the utilization of emergency or crisis management machinery at both the State and Federal level. To assure effective coordination of State and Federal response operations, it is likely that the President, for most serious incidents in this category would dispatch a Personal Representative to maintain liaison with the Governor and to coordinate and manage Federal operations.

At the Federal level, the Department of Housing and Urban Development (DHUD) is charged with responsibility for developing a comprehensive, coordinated Federal operational plan for responding to Category III contingencies, and specifically for coordinating with State and local disaster assistance agencies on plans for providing and utilizing Federal assistance. Guidelines already exist on Federal-State relationships for dealing with natural disasters which can assist State emergency preparedness planners in providing for the role of Federal assistance in their plans for a Category III nuclear emergency. Among the key documents containing such guidelines are:

(1) Federal Disaster Assistance--Final Regulations, published in the Federal Register of May 28, 1975, by DHUD/FDAA. These regulations established channels and institutional arrangements for Federal-State contacts required for the purposes of requesting, authorizing and administering Federal disaster assistance.

(2) Digest of Federal Disaster Assistance Programs, prepared by DHUD/FDAA and published by the U.S. General Printing Office. This

Digest is designed to serve as an initial source of information for private citizens and public officials in need of a particular kind of disaster assistance.

(3) DHUD publication, Eligibility Handbook Under Public Law 93-288, December, 1975. This Handbook is designed to provide guidelines for determining eligible applicants for public assistance. The Handbook includes a description of the Federal and State elements in the field organization for providing disaster assistance.

(4) DHUD Publication, Handbook for Applicants, December 1975, provides instructions and guidance to local applicants and officials (including States, counties, cities or other political subdivisions of States) in the administration of the Disaster Relief Act of 1974.

(5) DHUD Publication, Handbook for Disaster Assistance Center Managers, February 1975, is intended as a guide and reference manual for managing and operating Federal disaster assistance centers in the field.

4. Category IV Incidents

Current Federal policy recognizes that it may not be practicable to prepare detailed response plans in advance for the contingency represented by the requirements for long-range recovery and rehabilitation of an area or areas affected by a major nuclear incident (Category IV conditions). Prediction of precise conditions is not possible; and, in any event, time would be available for detailed planning during the immediate and short-term recovery phases following a Category III incident.

Title V of PL 93-288 does provide some general guidance on economic recovery for disaster areas that would have relevance to Federal-State relationships in dealing with a Category IV situation. This part of the law is intended to provide assistance, after the period of emergency aid and replacement of essential facilities and services, for any major disaster area which has suffered a severe dislocation of its economy. Responsibility under this law for coping with long-range recovery problems has not been assigned to a Federal agency. Pending a specific Presidential delegation

in this area, FPA is charged with being prepared to provide advice to the President on approaches to program decisions in this area and on alternative administrative arrangements for responding to Category IV conditions.

D. SUMMARY

Much has been achieved at the Federal level in moving toward a more effective capability for responding to the full range of peacetime nuclear emergencies. Increasing effort is being placed on the development of concepts, policies, planning guidance and procedures to assure realistic and effective response operations by Federal agencies. This effort by the responsible Federal agencies to prepare their plans and, as appropriate, guidelines for State planners, will provide a clear and sound basis for Federal and State relationships during response operations in a nuclear emergency.

CHAPTER IV

FEDERAL-STATE PLANNING AND RESPONSE RELATIONSHIPS

A. INTRODUCTION

Federal-State planning and response relationships relevant to peacetime nuclear emergencies are in the early phases of development. At the Federal level, intensive work on all types of potential nuclear emergencies has been undertaken in the past two or three years; less has been done at the State level and it usually has been focused on radiological incidents involving relatively minor consequences. However, the growing emphasis on broader nuclear emergency preparedness planning by the Federal government will bring Federal-State operational relationships for all such emergencies into increasingly sharper focus. The principal governmental functions where those relationships will be involved are shown at Figure IV-1. Some functions are exclusively Federal, others State, and many will involve both levels of government.

The functions that would need to be performed in planning for and responding to the various categories of nuclear emergencies cover a wide substantive range of governmental activities. They could involve a large number of departments, agencies and offices at both the State and Federal level. In some departments and agencies, two or more major component elements could have important functions. Some of these functions may need to be performed only during the planning phase; some would be needed during an actual emergency; and some would be relevant in both phases.

A large proportion of the functions that would need to be performed in planning for or responding to nuclear emergencies would, in the first instance, be undertaken by State and local governments; one or more Federal agencies, however, could have responsibilities for supplementing or supporting State and local efforts in carrying out these functions. Federal involvement, and consequently Federal-State contacts and relationships, should be expected to become more significant as the nuclear emergency moves up the scale of severity and as State and local response capabilities are exceeded.

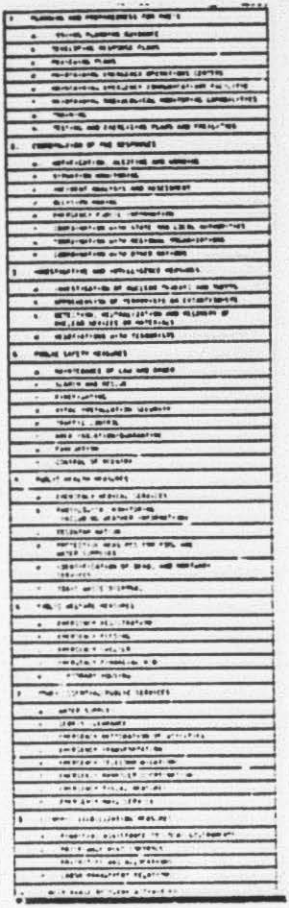

Figure IV-1. Principal Functions Involved in Preparedness Planning and Response Activities

To assist State officials concerned with emergency preparedness planning and responses, the following sections seek to describe generically the relationships of Federal agencies with those of State and local agencies for the four categories of peacetime nuclear emergencies defined by FPA.

B. CATEGORY I INCIDENTS

Most incidents likely to occur in this category will be relatively minor and will not involve elaborate arrangements for planning or response actions between Federal and State and local agencies.

1. Incidents at Federally Controlled or Owned Facilities (Figure IV-2)

For incidents which involve nuclear facilities or materials owned by a Federal agency (e.g., DOD, ERDA or TVA), that agency would have the primary responsibility for planning for and responding to the on-site effects of that emergency. The local governments within whose jurisdiction the incident occurred, however, would be responsible for the direction of emergency responses to deal with any off-site effects of the incident.

To cope with on-site effects, site management, whether contractor or government, would first implement the facility's nuclear emergency preparedness plans, employing the facility's security forces, fire fighting units, radiological monitoring teams, decontamination specialists and other emergency personnel as needed. To the degree that assistance is needed from other Federal agencies to cope with a nuclear emergency occurring within the facility, plant management would request such assistance from the appropriate Federal agency through the Federal agency owning or controlling the facility. Additionally plant management or the local Federal agency representative may make special cooperative arrangements with State and local authorities for assistance, primarily in the public safety and radiological health areas, in dealing with on-site effects of an incident and to provide alert notification of an incident.

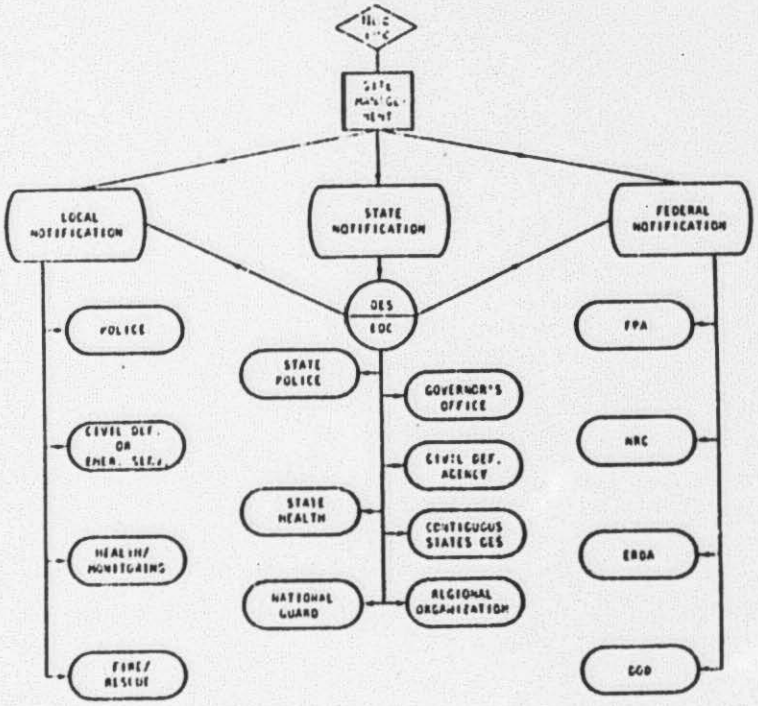

Figure IV-2. On-Site Nuclear Incident Notification

Under such arrangements notification of the nuclear emergency should be given by site management to the State authorities, usually the "Office of Emergency Services" (or its equivalent) and to those local officials that have been mutually agreed upon by the facility operator and the local authorities and have been designated in the facility's nuclear emergency plan. Normally, State and local authorities would then alert those agencies having nuclear emergency response capabilities in the event additional assistance is needed and requested by site management or in the event the effects of the incident impact in areas outside the facility. Should any off-site effects occur then the local government assumes direction for emergency response plans which are implemented taking such counter measures or preventative actions as the off-site situation dictates.

2. Incidents at Licensed Facilities (Figure IV-2)

Nuclear emergency planning and response actions for incidents occurring at a licensed facility are the responsibility of the owner/operator management personnel. In the event of an incident, site management would first utilize its facility personnel, resources and equipment to implement the plant's nuclear emergency response plan to deal with on-site effects. Incident notification requirements may vary depending on whether or not the facility is located in an Agreement State (as defined in Section 274 of the Atomic Energy Act of 1954). If the facility is State licensed, the manager is required by State regulation to notify the State Radiation Control Program Office of certain incidents (the criteria will be the same as, or similar to, that contained in 10 CFR 20.403 (a) and (b)). There are no requirements applicable to a State licensee to notify NRC in such cases. Managers of Federally licensed facilities should promptly notify the State "Office of Emergency Services" (or its equivalent); the appropriate local authorities (normally the local OES, civil defense office or police) with whom prior special arrangements would have been made for assistance in the event of an emergency; and the appropriate office designated by the Nuclear Regulatory Commission (NRC) for this purpose.

The site management's notification to State and local authorities would alert the proper State and local agencies to a possible requirement for assistance at the facility site and to deal with any offsite effects

which might develop from the incident. Depending on the degrees of seriousness, this alert, at the State and local level, could involve evacuation, emergency services/civil defense units, police, fire and rescue, radiological monitoring and decontamination units and emergency medical service units. The initial responsibility, however, for assisting site management with emergency response actions to the on-site effects and for taking the proper response actions to cope with off-site effects would normally be in the local government. State agencies could become involved when local officials determine that the needed response actions exceed local capabilities and request State assistance.

At the Federal level, the advisory received by NRC would result in ERDA, DOD and other appropriate agencies being promptly alerted in the event that radiological monitoring and decontamination capabilities or other Federal assistance may be required at the facility site to support State and local efforts. If the incident appears to exceed the radiological response capabilities of the State and local governments, at the request of State authorities or the NRC, the Interagency Radiological Assistance Plan would be implemented by ERDA to bring to bear such Federal resources as may be needed to cope with the radiological aspects of the emergency.

Figure IV-3 schematically sets forth the response activities involved in fixed-site type of nuclear emergency.

3. Other Incidents

Except for illegal incidents, those in this category will normally be a consequence of a transportation accident or will occur in the course of the movement of a nuclear device or nuclear materials. Responsibility for immediately coping with such incidents rests with the Federal agency or private contractor having custody of the device or materials during movement. Response actions would promptly be taken by the responsible agency or private contractor in accordance with pre-established plans for such incidents, to minimize the danger to life and property. These plans should be coordinated with the appropriate State and local authorities. Arrangements should be developed between the Federal agency (ERDA, DOD, NRC) owning or having control of the nuclear device or material being moved and the appropriate State and local authorities which will permit advising the latter in a timely manner of any such incidents involving such movements through their

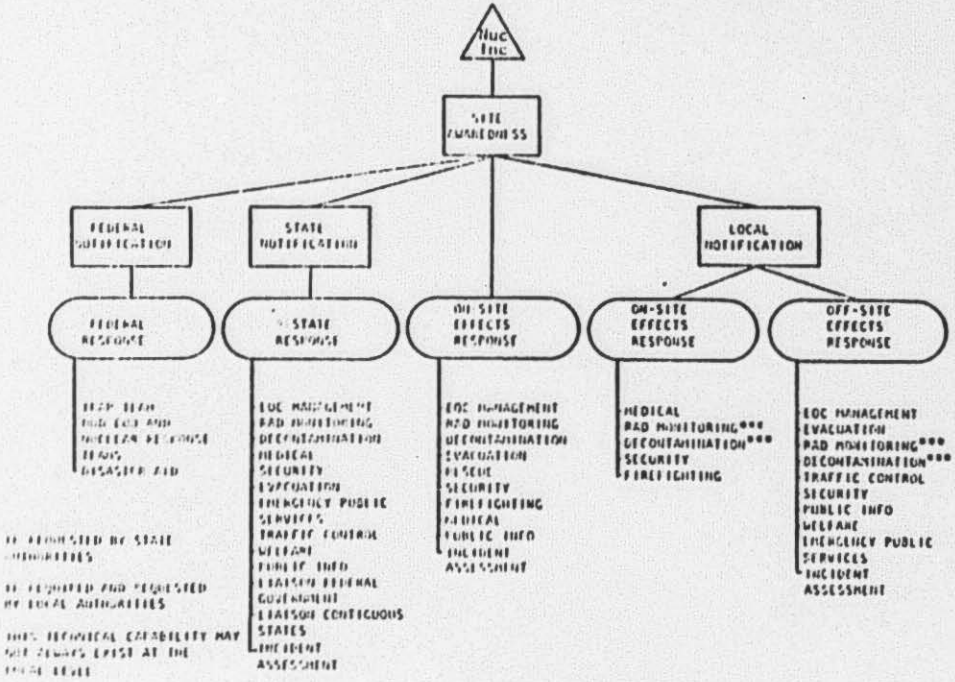

Figure IV-3. Nuclear Incident Response

jurisdictions. This would allow the State and local authorities to take promptly such precautionary or alerting measures as they might consider necessary.

Among the first actions to be taken by on-the-spot Federal agency or private contractor personnel involved in the movement of the nuclear device or materials would be to notify local law enforcement authorities of the incident in order to effect area cordoning and traffic (people and vehicles) control for safety purposes and to permit unimpeded response actions. Notification would also be promptly made by such personnel to the State "Office of Emergency Services" (or its equivalent) who would alert the proper State and local authorities, and to the appropriate office of the Federal agency involved. The alerted State and local authorities would be prepared to provide such assistance as may be needed to cope with the incident. While the immediate response actions may be taken by the on-the-spot personnel of Federal agency or private contractor to reduce the hazard to life and property, the local authorities in whose jurisdiction the incident occurs would have primary responsibility for the over-all direction and control of the response actions required.

4. Summary

In summary, for Category I incidents, except those involving Federally owned or contracted nuclear facilities, State and local governmental authorities would be responsible in the first instance for dealing with the incident and the associated problems resulting from it. Federal agencies would be prepared to assist, in accordance with their responsibilities and legal authorities, when requested by State or local officials. The State "Office of Emergency Services," Radiological Health Office or other comparable State central emergency planning authority should assure that arrangements are included in State and local operational response plans for calling upon regionally available Federal resources. Such arrangements can be accomplished directly with the EPDA Regional Coordinating Office or with the regional office of the Federal agency concerned with the nuclear facility of interest (in most cases this will probably be the NRC, EPDA or a military service command).

Federal departments and agencies with custody or jurisdiction over nuclear facilities operations, devices and materials have special responsibilities for planning for Category I incidents with respect to those operations or materials. The primary agencies concerned with nuclear materials, operations devices and facilities are NRC, ERDA and DOD all of which have accomplished considerable planning for such incidents. Other Federal agencies charged with developing operational response plans for Category I incidents are the Department of Commerce, NASA and TVA. State and local emergency planners should as a basic consideration in developing their plans consult with those Federal authorities concerning the hazards posed by those facilities, operations, devices or materials. The nature of the hazard to the public safety and health will determine the type nuclear emergency planning and response actions which will be needed at the State and at the local level.

C. CATEGORY II INCIDENTS

There has been only limited experience with Federal-State relationships in responding to Category II nuclear emergencies. Yet an incident in this category could introduce unprecedented and unusual requirements for Federal-State coordination and collaboration. It would pose different and less well defined problems and relationships than those described for Category I.

1. Nuclear Blackmail or Threat (Figure IV-4)

The few incidents in this category which have occurred in the past have involved the threat to detonate a nuclear weapon/device or to disperse radioactive materials if certain demands were not met. Emergency planning to cope with such incidents is essential if government authorities are to be able to deal effectively with such threats. All levels of government (Federal, State and local) need to address the problem of emergency planning and response actions for such incidents and to coordinate their plans and activities. The potential threat to life and property in incidents of this nature and the type of demand that is usually made will in most cases be of sufficient seriousness and consequence that it will justify the prompt involvement of appropriate public officials in dealing with the incident.

Under Federal statutes, the FBI has special investigative responsibilities with respect to illegal activities involving nuclear material,

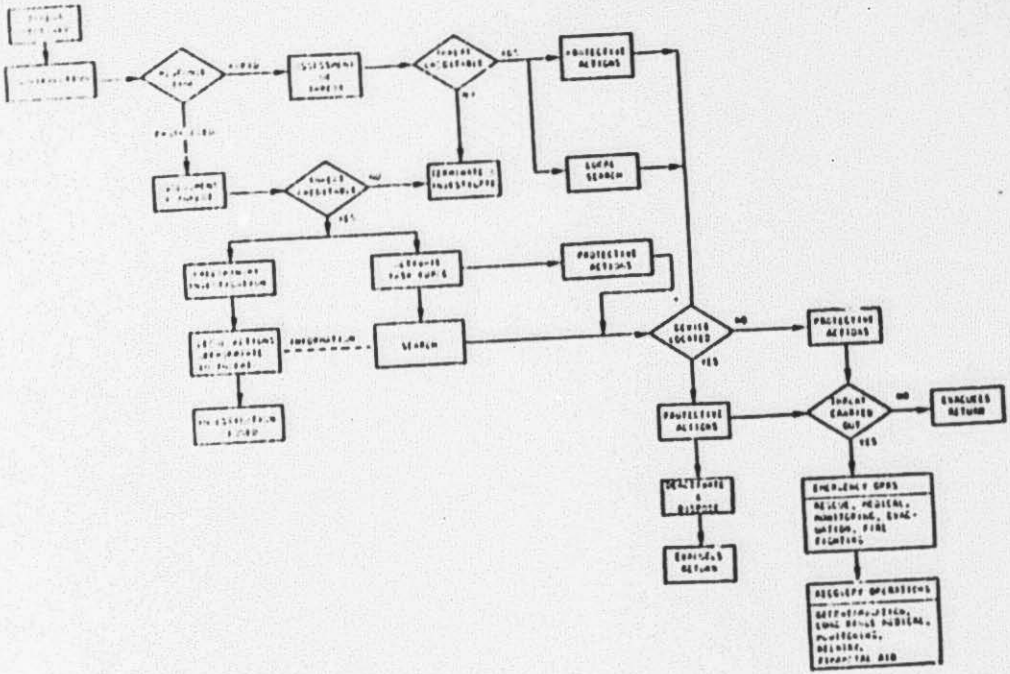

Figure IV-4. Nuclear Blackmail or Threat

devices or weapons but an incident involving nuclear blackmail or threats will also involve the State and local authorities. Any incident involving such activities which is brought to the attention of State or local law enforcement or other authorities should be promptly reported to the nearest FBI office by such authorities. Those authorities should also promptly notify the State Office of Emergency Services (or its equivalent).

a. Notification

Upon receipt of notification of the threat incident from law enforcement authorities or other official source, the OES would alert the Governor and proceed to monitor the incident. (It should also alert the Federal Preparedness Agency of the incident which would alert other Federal agencies as necessary. The FBI will also have alerted those Federal agencies which will have operational need for dealing with the incident.) Since local authorities and agencies would in the first instance, be dealing with the incident, the actual involvement of the Governor would depend on the nature of the threat, the potential danger to the community and the extent to which local authorities and agencies appear to be able to cope with the threat. At a minimum those State agencies would be alerted which could contribute to neutralizing the threat or which could take measures to limit the loss of life or damage to property should the threat be carried out. In the event of negotiations with the threat perpetrators, the Governor should be in close communications with the individuals selected as the negotiators.

b. Threat Credibility Assessment

The FBI, upon being advised of the incident, would initiate an investigation, in close cooperation with State and local officials, with the emphasis being on determining the credibility of the threat. In developing an assessment of threat credibility, other agencies and sources will participate in and contribute to the assessment process. ERDA and other technical agencies can evaluate the nuclear weapon, device or material claimed in the threat and estimate casualty and damage potential. Intelligence and law enforcement agencies can provide background data on the groups or individuals involved and their motivation. Medical agencies and personnel can provide judgments and views on the probable behavior patterns of the groups or individuals involved under various conditions and situations. The process of credibility assessment is a continuous one as additional data and intelligence become available during the investigative process. While the FBI ha

function as the lead agency in collecting pertinent information on the threat, evaluating the data and providing advice on threat credibility, the actual determination on threat credibility and the decisions on the actions to be taken are the responsibility of the local authority (mayor or county executive) having jurisdiction or if the situation is of sufficient seriousness or consequence the State authorities, namely the Governor. In some cases, the Governor may determine that the nature of the threat and the scope of the demands exceed State capabilities and authorities and he may request the Federal government and the President to exercise Federal control.

c. Response Operations

Although the FBI would function as the lead agency because of its special investigatory responsibilities under Federal law, responsibility for coping with the threat and its perpetrators also rests with State and local authorities. Those authorities would be concerned with law and order considerations, traffic control, special emergency services, possible evacuation and other damage limiting measures. However the degree to which operational response plans would be activated would be a function of the nature of the threat, the level of credibility attributed to the threat and the types of demands made by the threat perpetrators. The responsible state or local officials would have to determine what response actions to take (e.g., do nothing, capitulate to the extortionists and meet the demand, evacuate an area, etc.) in light of their weighing those considerations.

A critical element in the response operations phase are the activities to search for and locate the device or materials involved in the threat. Once responsible officials assess the threat and conclude that sufficient credibility exists, the FBI working with local, State and Federal agencies would initiate measures to search for and locate the device or materials. The specialized equipments of ERDA and the US military forces may be employed for these purposes at the request of the FBI or State authorities.

To assure effective coordination of all response activities concerned with the incident, the potential danger to the community contained

most threats warrants having the OES activate the State Emergency Operation Center. The Center would be concerned not just with operational response coordination but related considerations such as how credibility assessments should affect proposed response actions, who should communicate with the terrorists and how, where should public information releases be coordinated, who should determine whether federal assistance would be required and how should liaison be maintained with Federal authorities concerned with the incident.

2. Nuclear Theft and Sabotage

Under the Atomic Energy Act of 1954 and since Federal property will often be involved in incidents of this type, the FBI will be the principal agency concerned with the investigation of these crimes. The FBI would rely on its established working relationships for appropriate coordination with State and local law enforcement authorities in the conduct of its investigation.

3. Accidental or Unauthorized Launch of Nuclear Weapons

The Department of Defense has responsibility for warning of an accidental or unauthorized launch of a nuclear weapon and would carry out this responsibility through its notification and warning systems. Rapid notification to the proper State authorities, and warning of the populace if time permits through civil defense procedures, should permit State and local authorities to implement civil defense and emergency preparedness plans in order to minimize the loss of life, community disruption and property damage.

4. Potentially Serious Nuclear Incident

The third group of Category II incidents concerns those accidents or events at nuclear facilities or in the transportation of nuclear weapons/materials which would create a potential for widespread hazards or damage to people and property. The need with respect to this group of incidents is to identify the types of serious nuclear emergencies that could occur and to plan, prior to the more serious event taking place, for the interfaces that would be required between Federal and State agencies. The State Office of Emergency Services would normally be responsible for providing the leadership and guidance to State and local agencies for such planning.

In the case of incidents involving federally owned or controlled facilities, materials or weapons, the critical requirement would be to have in place the means and processes for advising the proper State and local agencies of the seriousness of the incident. In most cases the agency primarily concerned would be the State Office of Emergency Services (or its equivalent) or the Radiological Health Office. The State agency would then alert the Governor to the incident and depending upon the nature of the potential danger, the State emergency or crisis management structure would be activated and the appropriate State and local operational response agencies alerted.

Where the accident or event creating the potential for a serious nuclear emergency does not involve federally owned facilities or materials, the licensee would promptly inform State and local authorities of the potential danger. Those authorities would immediately advise the Office of Emergency Services (or its equivalent) to enable that organization to take the necessary actions in accordance with its plans and procedures. Simultaneous with notification of the State and local authorities, the licensee would also promptly inform the NRC and other Federal agencies of the potential danger. The notification to the State OES would enable that agency to initiate the process of implementing the operational response plans of State and local agencies as justified by the potential danger to the community.

5. Summary

Federal-State relationships in the event of a Category II emergency pose unusual problems, and jurisdictional roles are less clearly defined than for Category I incident. . The initial governmental responsibility for coping with such emergencies, however, rests with the State and local authorities. As a practical matter, the nature and scope of the emergency will determine whether the State endeavors to deal with the emergency or whether the Governor requests the President to have Federal authorities undertake the necessary response actions. The development of emergency plans, both at the State and the Federal level, to deal with nuclear emergencies in this category should be considered a high priority requirement.

This is particularly the case for incidents of nuclear blackmail or threat.

Federal policy related to Category II emergencies strongly emphasizes preparedness for managing the nuclear emergency crisis. Federal departments and agencies are prepared to assist State and local governments in preventing, controlling or containing potential or threatened nuclear incidents. The departments and agencies which have major planning tasks designed to reduce the hazards inherent in Category II incidents are: the FBI, DOD, ERDA, NRC and FPA.

D. CATEGORY III INCIDENTS

While there has been no actual experience in the United States with incidents of nuclear detonation or widespread radioactive contamination affecting the general public directly, the possibility of an incident of major magnitude is real and everpresent. The basic responsibility for coping with the disaster aspects of such emergencies and directing the overall response operation would rest with the State authorities. (It can be expected that the Governor would take charge and personally direct activities through State and local agencies). Nevertheless, it should be anticipated that the Federal government would play a prominent role because of the extensive resources which would probably have to be employed and the likelihood that national interest considerations could become involved, particularly if the danger threatened more than one State.

In Category III nuclear emergencies, prompt notification would be given by the State Office of Emergency Services to State and local agencies to implement emergency response plans. The Governor through any special crisis management structure he may have, e.g. the disaster emergency structure which may exist in his Office of Emergency Services, would initiate the operational response actions, one of the most immediate being an assessment of the accident/incident. Depending on that assessment and the nature of the event and its aftermath, the appropriate State and local agencies will implement operational response plans. In most instances, these plans

will be agency plans for coping with major natural or man-made disasters. It would be necessary in implementing those plans to take into account the presence of radioactivity. Thus radiological and decontamination activities, emergency medical services, public safety and rescue operations would be immediate requirements. To the extent that State response planning provides for cooperative arrangements with local Federal agencies, the operational response plans of the latter to support State efforts would also be implemented.

Based on initial incident assessments and reports and the recommendations received from the Governor (or the State Office of Emergency Services), the President could declare a "major disaster" or "emergency" which would commit Federal resources to supplement State operations. Most probably the President would dispatch a Personal Representative to be his man-on-the-spot and Federal Coordinaton Officer to direct and coordinate Federal agency responses, to maintain liaison and coordinate activities with the Governor and the appropriate State agencies and to report back to the President in order to keep him fully informed on the situation.

The principal Federal agencies which would be initially involved in these activities would be DHUD, ERDA, DOD, HEW, Agriculture, OCPA and FPA. Their operations would be generally focused on performing emergency work and services essential to save lives, to protect and preserve property, and to provide for public health and safety. They would include but not be limited to:

(1) Radiological monitoring and decontamination activities.

(2) Emergency medical care.

(3) Emergency evacuation and shelter.

(4) Provision of food, water, medicine and other needs, including movement of supplies and persons.

(5) Clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services.

(6) Search and rescue.

(7) Demolition of unsafe structures.

(8) Warning of further risks and hazards.

(9) Other measures to reduce immediate threats to life, property and public health and safety.

In summary, it is expected that the State Governor would retain basic responsibility for coping with the disaster and directing the overall response operations. Depending upon the nature of the emergency and the extent of devastation, the Governor could be expected to initiate a prompt request to the President for Federal assistance. It can be anticipated that the President would act promptly on a State request for assistance, particularly in light of the unprecedented nature and severity of the catastrophe. The full range of assistance provided by Federal agencies would require close contact between those agencies and the State agencies. While the scope of the emergency assistance task might pose grave resource questions, it should not present any serious organizational difficulties.

E. CATEGORY IV INCIDENTS

There has of course been no experience with a Category IV nuclear emergency in the United States. However, it is reasonable to suppose that the Congress, at the President's request, would enact special recovery legislation authorizing the specific types of long-range programs required as a result of any Category IV nuclear emergency that might have occurred.

F. CONCLUSIONS

The fundamental elements which should guide Federal-State relationships in dealing with peacetime nuclear emergencies include the following.

(1) The States have the authority and responsibility for initial response in most nuclear emergencies. The Federal government would have the responsibility for dealing with those emergencies that occur on Federal territory or are of such scope and magnitude that the national interest or international obligations of the U.S. are affected.

(2) The States' resources and capabilities for responding to nuclear emergencies vary widely, but, without Federal aid, most are likely to be inadequate for dealing with some Category II incidents, and all Category III and IV situations.

(3) The Federal government has the capability to provide massive and diversified assistance, including technically specialized assistance in the radiological area.

(4) Federal assistance would be made available on State request, and is in principle supplemental to State and local resources.

(5) The Federal government should be prepared to provide information to State officials on what types of assistance it can make available and to establish the procedures and mechanisms whereby States can obtain such assistance.

(6) The State governments, if they request Federal assistance, should expect to follow applicable Federal procedures and guidance. On the other hand, the Federal government has an obligation to inform the States of the process for requesting, using, and accounting for such Federal assistance as may be made available to the State.

CHAPTER V
EXAMPLE STATE RESPONSE PLAN FOR PEACETIME NUCLEAR EMERGENCIES

A. INTRODUCTION

To assist the States in the preparation of their response plans for peacetime nuclear emergencies, a suggested approach to this problem is set forth schematically in Figure V-1 and an example response plan is provided in the following Section B solely for illustrative purposes. The example plan is intended to provide the concepts and considerations which should be taken into account by the States in the preparat on of their nuclear emergency responses and only secondarily to furnish a common format for use in developing the State response plans. The plan is the vehicle for setting forth in an orderly manner a description of who is responsible for what and the rationale explaining what is done when and why. It is recognized that some States are in the process of developing Radiological Emergency Response Planning (RERP) documents with the assistance of NRC and other Federal agencies. RERP is an important element of planning but does not encompass the total spectrum of peacetime nuclear emergencies. A State's response plan for peacetime nuclear emergencies is intended to provide such a structure in which existing State planning efforts, such as RERP, can be incorporated along with needed planning for the full range of response needed in dealing with peacetime nuclear emergencies.

It is anticipated that the individual States will adapt and modify the example plan to reflect their own legislative requirements, vulnerabilities to nuclear emergencies, existing emergency preparedness and response plans and mechanisms, and interstate or Federal-State arrangements for disaster or other emergency response activities. The example plan contained in this chapter is not intended to suggest establishing or changing any organizational arrangements to deal with nuclear emergency planning or response. It is fully recognized that the format, structure and substance of a State plan for coping with nuclear emergencies is a matter for each State to determine in light of its own situation and requirements.

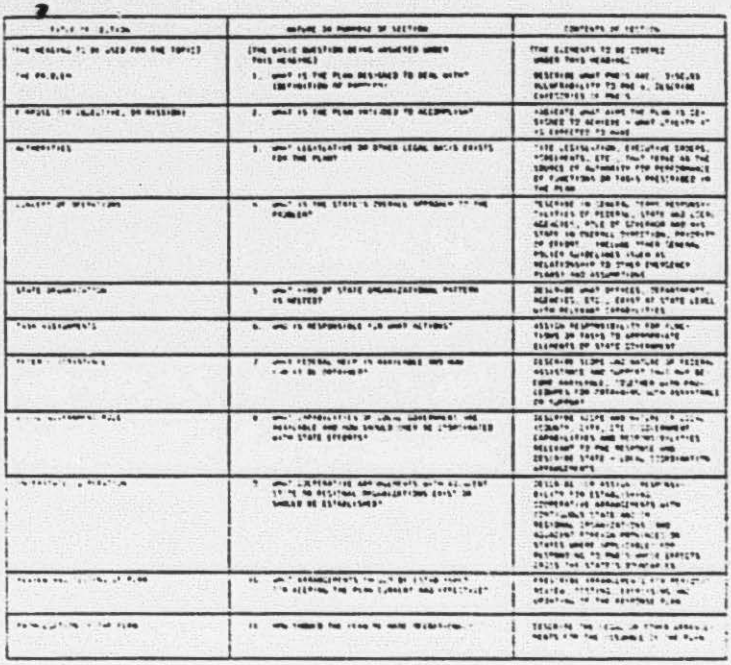

Figure V-1. An Approach to Preparing a State Response Plan for Peacetime Nuclear Emergencies

5. AN EXAMPLE STATE RESPONSE PLAN

1. Peacetime Nuclear Emergencies

a. Definition of Nuclear Emergency

(Comment: The purpose of this section is to provide a common definition of peacetime nuclear emergencies for plan users. An illustrative definition which could be used is as follows: "A peacetime nuclear emergency includes situations ranging from uncontrolled release of a small quantity of radioactive material with minimum or no casualties or damage, through incidents that pose a threat of a detonation and/or widespread contamination, to incidents where there is widespread dissemination of radioactive materials or the detonation of a nuclear device or weapon which could result in heavy casualties and extensive property damage and destruction, and which could require long-range recovery measures.")

b. Vulnerability to Nuclear Emergencies

(Comment: The extent to which the State is vulnerable to peacetime nuclear emergencies should be reflected in this Section. If a vulnerability or hazard assessment has been made, its results should be included. The locations of nuclear facilities in the State should be identified; major routes or transportation centers for nuclear materials movement should be spelled out; geographic faults or other risk factors in relation to nuclear facilities or storage points should be highlighted; and risks presented to the State in the event of a nuclear emergency in a contiguous State.)

c. Categories of Peacetime Nuclear Emergencies

(Comment: For planning purposes, the Federal Preparedness Agency has defined four categories of nuclear emergencies which could usefully be adopted by planners at the State level. The four categories are:

(1) Category I - a nuclear incident limited in scope and manageable under existing peacetime arrangements with the local, State, and Federal resources readily available, and without recourse to extraordinary measures.

(2) Category II - a nuclear incident which, without adequate response measures, could produce a detonation and/or widespread radioactive contamination.

(3) Category III - a situation where despite all preventive and controlling efforts, a nuclear detonation and/or widespread radioactive contamination has occurred.

(4) Category IV - the post-Category III environment requiring long-range recovery and rehabilitation of the impacted area(s).

2. The Plan Objective

a. Purpose

(Comment: In this Section, the specific aims of the plan should be established. These would, among other things, establish the concepts and policies for all State and local government agencies and for those private and semi-private emergency organizations which can be expected to respond to nuclear emergencies; provide for the continuity of government; define the responsibilities of State and local government and pertinent private and semi-private emergency organizations; provide a basis to enable State and local planners to prepare agency response plans; and such other purposes as may be considered appropriate for the State in light of its existing statutes and policies.)

b. Scope

(Comment: This Section should outline what areas of activity the Plan and its Annexes will address. Illustratively these could include such activities as:

(1) Informing and warning the public of impending nuclear emergency and of the readiness actions to be taken to enhance survival and reduce loss of property

(2) Protection of the population by the use of best available shelters or relocation of specified elements of the population

(3) Care of disaster victims and their subsequent rehabilitation or reconstruction of affected property

(4) Implementation of procedures to reduce loss of life and hazards to health caused by contamination of drinking water and agricultural foodstuffs.)

3. Authorities

a. Authorities

(Comment: This Section should cite those State laws and Executive Orders pertaining to the use of State agencies and resources in emergency and disaster situations. It should also set forth Federal statutes, Executive Orders, Proclamations or Federal Register Notices which relate to the handling of nuclear emergencies. It may be desirable to provide the verbatim texts of key laws and Executive Orders in an Annex to the Plan.)

b. References

(Comment: This Section should identify State documents and publications which could affect planning for nuclear emergencies. Similarly, it should also include citations of those Federal publications issued by Federal agencies which would be of interest or concern to State and local planners, e.g., "Federal Response Plan for Peacetime Nuclear Emergencies" issued by FPA in 1976; "Guide and Checklist for the Development and Evaluation of State and Local Radiological Emergency Response Plans in Support of Fixed Nuclear Facilities" (NUREG 75/111) issued by NRC in 1975.)

c. Rescissions

(Comment: Any State plans, executive orders or other administrative directives which the Plan and its Annexes overtake or make obsolete.)

d. Definitions

(Comment: Specific key terms which are used in the Plan that should be defined by the Plan developer to assure common understandings by the users. Illustrative of such terms are "national emergency," "nuclear facility," "Federal Coordinating Officer," and "Radiological Response Team.")

4. Concept of Operations

a. Planning Assumptions

(Comment: To provide a common point of departure for all planners and to assure that users understand the basis upon which the Plan

is constructed so that they can better carry out an effective response, the planning assumptions should be explicitly stated. Plan developers should establish those assumptions that are keyed to their special State situations as well as those which would be generally applicable.) Examples of planning assumptions are:

(1) State and local governments have primary responsibility for responding to a nuclear emergency and will provide the initial response to the emergency.

(2) The Federal government will provide assistance upon request by the Governor during a peacetime nuclear emergency.

(3) The warning time before a nuclear emergency may vary from none to hours or days. However, for most emergencies, there will be very little warning.

(4) A detonation or widespread contamination may occur at or near the seat of government, inpairing or disabling government operations.

(5) Emergencies could threaten or take place simultaneously in the State and adjacent States requiring coordinated interstate response.

(6) Areas could become contaminated or threatened by fallout, requiring the population to seek protection in fallout shelters or to be evacuated.

b. Responsibilities

(Comment: This Section should set out the specific roles for the several governmental levels within the State and what is expected of them. Thus, for example, it should be established that emergency preparedness and response activities are the responsibility of the Governor and that he will exercise those responsibilities through the "Office of Emergency Services" (or comparable central emergency preparedness planning agency). It should indicate that State agencies having emergency responsibilities should prepare intraagency emergency plans, operating procedures, and checklists detailing the use and disposition of agency resources in the event of a nuclear emergency; that local political subdivisions are responsible in the first instance in coping with incidents within their jurisdiction until

it becomes evident that the event exceeds local capabilities; that plans and procedures are to be developed to provide for coordination with Federal and local government counterparts or corresponding agencies; that private sector facilities are to be identified and designated if their resources can be applied under the agency's emergency responsibilities; and that agreements should be signed by representatives of State agencies and private sector facilities when State agencies include private sector support in available resources and capabilities.)

(For the local level, this Section would note that each local jurisdiction will have a current emergency plan compatible with the State Plan providing for:

(1) Employment of all pertinent available local resources
(2) Dispatch of maximum mutual aid to stricken neighboring communities
(3) Receipt and effective application of mutual aid
(4) Means of communicating with the State "Office of Emergency Services"
(5) Providing estimates of the severity and extent of damage resulting, or potentially resulting, from the nuclear emergency).

c. Operational Phases

(Comment: This Section would provide guidance for State and local planners by identifying the several phases through which a nuclear emergency might evolve and the general character of the response actions to be associated with a particular phase. Criteria and standards defining hazards to health and property should be established for guidance to State and local planners. In many instances Federal agencies provide guidelines or such criteria, particularly for nuclear safety and radiological effects which can be useful to State and local planners but the determination of specific criteria and standards are the responsibility of State and local officials.) For example, the following phases could be established:

(1) Phase I: These are conditions which could result in a nuclear emergency, e.g., an unconfirmed threat to use illegal nuclear weapon/device, an accident in a nuclear installation which could lead to a Category I (or higher) situation, a report of a missing nuclear weapons equipped aircraft, etc. In this phase all involved

jurisdictions and agencies would review their nuclear emergency plans and activate appropriate elements of it. This could include alerting key personnel, assuring readiness of essential resources, and preparing to deploy resources to the threatened area if required, keeping the potentially affected population informed of current conditions and issuing appropriate preparatory instructions.

(2) Phase II: This stage of readiness could result from the determination that a threat of the use of an illegal nuclear weapon/device is credible and probably valid, notification that a nuclear explosion has registered on seismographic instruments in the region, advice that a runaway nuclear reactor has reached the core "meltdown" point, or a report that a severe earthquake has occurred in the vicinity of a nuclear storage or production site. State and local authorities would immediately put nuclear emergency response plans into full operation. They would alert threatened elements of the populace and initiate evacuation if necessary and bring all needed resources into action and deployment.

(3) Phase III: These are conditions occurring as a result of a nuclear emergency requiring resources and capabilities beyond those available to State and local authorities and major Federal assistance will be required to effectively cope with the emergency. This would involve the appropriate gubernatorial action requesting the President to provide Federal resources and it may or may not include a request for Federal authorities to assume charge of the operational response to the nuclear emergency.)

5. State Organization

(Comment: This Section should provide the description of the State's organization of emergency preparedness activities. It should identify the agencies involved, establish their organizational relationships and clearly define lines of authority and responsibility.)

a. Central Emergency Planning/Response Agency

(Comment: This Section describes the functions, responsibilities, and organization of the State's central agency for nuclear emergency preparedness planning and response activities. It should define that agency's relationships to the Governor, to other State agencies which would be involved in nuclear emergency activities and to the local authorities.)

b. Other State Agencies

(Comment: In this Section, the State agencies which would become operationally involved in preventing or responding to a nuclear emergency should be specifically identified. Their functions, responsibilities, authorities and relationships with other State agencies and governmental levels should be described.)

6. Task Assignments

(Comment: Since the State organization for nuclear emergency operations would, in most instances, be based on the normal governmental structure and existing channels of communications, specific task assignments should follow that principle. Task assignments should ensure that essential functions are performed by the appropriate agency or level of government and they should be made in accordance with the pertinent provision of laws. In making such assignments, however, certain basic criteria and considerations should be observed to assure completeness, efficiency and economy of operation, to avoid uncertainty in responsibility:

(1) Each basic task should be assigned primarily to one functional unit.

(2) All foreseeable emergency tasks should be assigned.

(3) Emergency tasks should be compatible with the agency's regular functions, in so far as is feasible.

(4) Certain types of tasks can usefully be assigned to several agencies, i.e., situation reporting, damage assessment, radiological monitoring, etc. One agency, however, should be designated as the "lead" agency to coordinate the task.

(5) The relative priority of tasks may change according to the situation.

(6) Each agency should be responsible for performing the necessary planning, organizing, training, stocking, etc., to enable it to carry out assigned tasks.

Key categories of tasks which should be assigned are (see Figure (IV-1):

(1) Emergency Planning and Preparedness
(2) Coordination of Preparedness Activities
(3) Investigation and Intelligence
(4) Public Safety
  (a) Law enforcement
  (b) Traffic control
  (c) Evacuation
(5) Public Health
  (a) Emergency medical services
  (b) Radiological/monitoring teams
  (c) Decontamination/toxic waste disposal
(6) Public welfare
(7) Essential public services
(8) Economic Stabilization
(9) Long-Range Recovery

The foregoing are designed to be illustrative of the tasks which may need to be assigned and planners should determine the specific tasks to be undertaken based on the type of emergency which may occur in their jurisdiction and their response capabilities.)

7. Federal Assistance

a. Types of Available Federal Assistance

(Comment: The general nature and types of assistance which are available from Federal agencies in the event of a nuclear emergency should be identified. The description should also locate where such assistance can be found within the state or in nearby areas. For example, the

DOD technical capabilities on disarming nuclear weapons/devices; ERDA radiologic monitoring and detection equipment; Department of Housing and Urban Development resources for disaster relief; etc.)

b. Procedures for Securing Federal Assistance

(Comment: The conditions and policies and procedures under which State and local authorities can request Federal assistance should be clearly set forth. This Section should indicate specifically who the request originators may be and who the final approving authority would be on any request submitted to the Federal authorities for and in the event of a nuclear emergency. It should also identify the Federal agency and its location for the various types of assistance which can be requested.)

8. Local Government Role

(Comment: This Section should indicate the extent to which State authorities will look to city/county/township authorities and agencies to deal with particular aspects of a nuclear emergency that might occur in their jurisdiction. This may be simply that the responsible elected senior official will assure that local preparedness plans are developed, that locally available resources, public and private, will be fully committed to coping with the nuclear emergency, and that such official follows certain procedures in requesting assistance from the State or Federal government agencies if such is necessary.)

9. Interstate Cooperation

(Comment: In this Section there should be an up-to-date listing of all agreements or compacts under which the State could request help from other States in the event of a nuclear emergency. The nature of such assistance and the policies and procedures for securing it should be specified. This Section should also set forth the responsibilities of State and local authorities to render assistance in the event of an incident in another State with which a cooperation arrangement exists.)

10. Plan Review Training and Testing

(Comment: This Section should provide the principles and guidelines for reviewing the Plan and those of State agencies and local authorities in support of the Plan. It should also provide the procedure and process

for updating the Plan and any subordinate support Plans of those agencies and local authorities. This Section should establish the basis for periodic testing and evaluation of the State Plan or that of any subordinate component and provide for a training program to be conducted periodically to assure the proficiency of emergency preparedness personnel.)

II. Promulgation of the Plan

(Comment: This Section should describe the legal and administrative process whereby the plan will become effective; establishes the procedures for amending the Plan; and sets forth the means for the Plan to become operational.)

APPENDIX A

ILLUSTRATIVE AUTHORITIES RELEVANT TO PEACETIME
NUCLEAR EMERGENCY PREPAREDNESS PLANNING BY
STATE AND LOCAL GOVERNMENT AUTHORITIES

1. RESPONSIBLITIES AND AUTHORITIES

   A. Definition of Governor's responsibilities and powers
   B. Authority for declaration of emergency
   C. Establishment or description of a central planning and coordinating agency for peacetime nuclear emergencies defining its responsibilities and powers for planning, coordination and response operations.
   D. Responsibilities and powers of State agencies in the event of peacetime nuclear emergencies
   E. Responsibilities and powers of local political subdivisions in the event of a peacetime nuclear emergency

2. INTERSTATE COMPACTS FOR MUTUAL AID

3. AGREEMENTS WITH FEDERAL AGENCIES FOR ASSISTANCE

4. RADIOACTIVE AND NUCLEAR MATERIALS CONTROL

   A. Registration and/or licensing of facilities or sources of radiation
   B. Transportation of radioactive materials (i.e., nuclear materials)
   C. Contamination of the environment
   D. Radiation control standards
   E. Protective measures and standards for public health and safety

5. EMERGENCY SERVICES

To respond effectively to the various types of nuclear incidents which may occur in peacetime, statutory authority should exist to enable State or local authority officials to promptly engage in the following activities as they may be required.

A. Public Safety Measures
   1. Maintenance of Law and Order
   2. Search and Rescue
   3. Firefighting
   4. Vital Installation Security
   5. Traffic Control
   6. Area Isolation and/or Quarantine
   7. Evacuation
   8. Control of Reentry

B. Public Health Measures
   1. Emergency Medical Services
   2. Radiological Monitoring (including weather information)
   3. Decontamination
   4. Protective Measures for Food and Water Supplies
   5. Identification of Dead, and Mortuary Services
   6. Toxic Waste Disposal

C. Public Welfare Measures
   1. Emergency Registration
   2. Emergency Feeding
   3. Emergency Shelter
   4. Temporary Housing

D. Other Essential Public Services
   1. Water Supply
   2. Debris Clearance
   3. Emergency Restoration of Utilities
   4. Emergency Transportation

5. Emergency Telecommunications
6. Emergency Manpower Coordination

E. Investigative and Intelligence Measures
1. Investigation of Nuclear Threats and Thefts
2. Detection, Neutralization and Recovery of Nuclear Devices or Materials

F. Standby Activities
1. Maintaining Emergency Operations Centers
2. Maintaining Emergency Communications Facilities
3. Maintaining Radiological Monitoring Capabilities
4. Testing and Exercising Plans and Facilities

6. FINANCIAL MATTERS

A. Nuclear Emergency Preparedness Planning and Response Operations Funding
B. Volunteer Compensation and Benefits
C. Liability; Public and Private

APPENDIX B

FEDERAL AUTHORITIES RELEVANT TO PEACETIME NUCLEAR EMERGENCY PREPAREDNESS PLANNING AND RESPONSE ACTIVITIES

1. THE CONSTITUTION OF THE UNITED STATES

2. FEDERAL STATUTES

The National Security Act of 1947, as Amended
The Atomic Energy Act of 1954, as Amended
The Energy Reorganization Act of 1974 (PL93-438)
The Disaster Relief Act of 1974 (PL93-288)
The Civil Defense Act of 1950, as Amended
The Defense Production Act of 1950, as Amended
The Interstate Commerce Act, as Amended
The Explosives and Combustibles Act of 1948
The Public Health Service Act (42USC241)
The Clean Air Act of 1970, as Amended (42USC1857)
The Federal Hazardous Substance Act (15USC2161)
The Federal Water Pollution Control Act, as Amended (33USC466)
The Air Pollution Research and Technical Assistance Act (42USC1857)
The Federal Food, Drug and Cosmetic Act (21USC301)
The Meat Inspection Act (21USC601)
The Poultry Products Inspection Act (21USC451)
The Egg Products Inspection Act (21USC1031)

3. EXECUTIVE ORDERS

E01C014, Nov 3, 1948 (Pollution of Surface and Ground Waters)
E01C173, Oct 13, 1950 (Safeguarding Harbors, Ports and Waterfront)

E010529, April 22, 1954 (Local Civil Defense Preemergency Training)
E010779, August 20, 1958 (Pollution of the Atmosphere)
E010952, July 20, 1961 (Civil Defense Responsibilities)
E011051, Sept 27, 1962 (Office of Emergency Planning)
E011490, Oct 28, 1969 (Emergency Preparedness Functions)
E011725, June 27, 1973 (Reassigns Preparedness Functions)
E011795, May 22, 1974 (Delegates Disaster Relief Authorities)
E011921, June 15, 1976 (Adjusts Preparedness Assignments and Functional Changes).

4. US CODE

18USC3052; Criminal Investigative Authority
28USC533; Criminal Investigative Authority
18USC231, 241, 641, 832, 875, 1361, 1362, 2383 and 2384; } Criminal Provisions Which May be Involved in Nuclear Extortion or Terrorism
10USC331-336; Use of Military Forces to Suppress Criminal Violence

5. CODES OF FEDERAL REGULATIONS

Title 10 - Atomic Energy
Title 14 - Coast Guard
Title 18 - Crimes and Criminal Procedure
Title 21 - Food and Drugs
Title 33 - Navigation and Navigable Waters
Title 42 - The Public Health and Welfare
Title 49 - Transportation
Title 50 - War and National Defense

Federal Response Plan for Peacetime Nuclear Emergencies

(Interim Guidance)

ANNEX II

An Analysis of Legal Authorities in Support of the Federal Response Plan for Peacetime Nuclear Emergencies

April 1977

General Services Administration

Federal Preparedness Agency

FEDERAL RESPONSE PLAN

FOR

PEACETIME NUCLEAR EMERGENCIES

(INTERIM GUIDANCE)

ANNEX II—AN ANALYSIS OF THE LEGAL AUTHORITIES IN SUPPORT OF THE FEDERAL RESPONSE PLAN FOR PEACETIME NUCLEAR EMERGENCIES (FRPPNE)

APRIL 1977

GENERAL SERVICES ADMINISTRATION

FEDERAL PREPAREDNESS AGENCY

The Federal Response Plan for Peacetime Nuclear Emergencies (FRPPNE) suggests a wide range of actions which may be appropriate in responding to the broad spectrum of peacetime nuclear emergencies. To assure that these actions can be legally implemented if the need arises, this annex analyzes the various actions either specified in or suggested by the FRPPNE and identifies the legal authority available to permit prompt effectuation of those actions.

The following analysis is divided into a discussion of the responses anticipated for each of the 4 categories of peacetime nuclear emergencies as delineated in the FRPPNE.

Category I

Category I. A nuclear incident with effects which are minor and localized, and are manageable under existing peacetime arrangements with resources presently available, and without recourse to extraordinary measures. This category also includes those minor incidents or accidents under civil or military agency cognizance.

The Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, appear to provide sufficient authority to permit the Nuclear Regulatory Commission and the Energy Research and Development Administration, with support from other agencies, if necessary, to take such actions as would be appropriate and required in a Category I type emergency.

The Atomic Energy Act provides for the complete control, by regulation or licensing, of atomic energy, nuclear weapons, special nuclear materials, source materials, byproduct material, and of utilization and production facilities for research and development facilities relating to these items. (For definitions of those terms, see Section 11 of the Atomic Energy Act (42 U.S.C. 2014)).

Sections 41 and 101 of that Act require that all production facilities be owned by the United States Government. The only exceptions are for research and development facilities that lack a capacity to produce, within a reasonable amount of time, a sufficient quantity of special nuclear material to produce a nuclear weapon, and facilities that are licensed under the Act and comply with standards prescribed pursuant to the Act.

Section 92 of the Act provides that no person, except as provided by section 91 of the Act, may transfer or receive in interstate commerce, transfer, deliver, acquire, own, possess, receive possession of or title to, or import into, or export from, the United States, any nuclear weapon. Section 57 and section 101 contain similar prohibitions with respect to special nuclear materials and to utilization and production facilities respectively unless authorized by license under the Act.

Section 53 of the Act provides express conditions for those licenses, and among those conditions are "(6) special nuclear material shall be distributed only on terms, as may be established by rule of the Commission, such that no user will be permitted to construct an atomic weapon," and "(7) special nuclear material shall be distributed only pursuant to such safety standards as may be established by rule of the Commission to protect health and to minimize danger to life and property." Section 170 requires operators of licensed facilities to obtain liability insurance and provides for indemnification, up to a fixed limit, by the Government for liability in excess of the level of financial protection required.

The above-described provisions are but illustrative of the many provisions of the Act which effectively control and regulate every facet of nuclear energy activities in this country and of the Congressional concern for public safety in every facet of those activities.

Under the Atomic Energy Act, the Atomic Energy Commission was charged with the responsibility for administering all provisions of that Act. However, the recently enacted Energy Reorganization

Act of 1974 (approved October 11, 1974; P. L. 93-438) abolished that Commission and created two new agencies--the Nuclear Regulatory Commission and the Energy Research and Development Administration--and split the functions under the Atomic Energy Act between those agencies. The Nuclear Regulatory Commission was assigned all of the licensing and related regulatory functions under the Act. Sections 203 and 204 of the Energy Reorganization Act reemphasized the concern of Congress with public safety in the nuclear field by establishing within the new Commission a new Office of Nuclear Reactor Regulations and a new Office of Nuclear Material Safety and Safeguards. It charged the first with reviewing all safety and safeguards of all licensed facilities, materials, and activities, and charged the latter with developing contingency plans for dealing with threats, thefts, and sabotage relating to special nuclear materials, high-level radioactive wastes, and nuclear facilities resulting from all activities licensed under the Atomic Energy Act of 1954, as amended.

The Atomic Energy Act of 1954, as amended, together with the Energy Reorganization Act, give the Energy Research and Development Administration the primary responsibility for safety and safeguards at facilities under its control, and the Administration is responsible for responding to any Category I emergencies at those facilities. Nothing, of course, bars those agencies from developing cooperative arrangements under which each would assist the other as circumstances and capabilities may warrant. Similarly, no apparent legal barrier precludes such Federal agencies as the DOD and EPA from assisting either or both of those agencies in responding to a Category I emergency. Furthermore, Section 274 calls for cooperation between the Federal Government and State and local governments with respect to nuclear activities and radiation hazards.

Section 91b of the Atomic Energy Act of 1954, as amended (42 U. S. C. 2121b) authorizes the President to direct ERDA to deliver special nuclear material or nuclear weapons to the Department of Defense for such use as he deems necessary in the interest of national defense. He is also authorized to direct ERDA to permit that Department to manufacture, produce, or acquire nuclear weapons or utilization facilities for military

purposes. The Department of Defense, as custodian of those weapons, facilities, and materials, is primarily responsible for their protection and for maintaining effective safety and safeguards with respect to them in conformity with the provisions of the Atomic Energy Act and other provisions of law relating to the protection of Government property.

Consequently, if a Category I incident occurs, involving nuclear weapons/materials in the custody of the Department of Defense, the DOD has the authority and responsibility to respond with such corrective actions as may be warranted by the situation. Furthermore, no legal barrier prevents other Federal agencies or State and local agencies from assisting the DOD in any such emergency.

In view of the foregoing, there appears to be no lack of legal authority to respond to Category I emergencies and, to the contrary, there is a legal obligation imposed upon the NRC and ERDA to take prompt and effective corrective measures in each such case involving nuclear facilities or materials under their respective jurisdictions.

Category II

Category II. A nuclear incident which, without adequate preventive or response measures, has the potential of producing a nuclear detonation and/or widespread radioactive contamination.

This category contains events which require plans and procedures for responding to potential threats such as:

-- the threatened unauthorized use, by terrorists, criminals or deranged persons, of a nuclear weapon, device or other nuclear materials for extortion or sabotage;

-- the theft of nuclear materials or weapons by terrorists, criminals or deranged persons;

-- an accidental or unauthorized launch of a nuclear weapon by means of a missile or other delivery system with the potential for impacting in the United States. Such a launch could occur with little or no warning and could come from within or outside the United States;

-- a major accident at a nuclear power reactor or in the transportation of nuclear materials with a potential for widespread hazard or damage to humans, property and the socio-economic structure of the affected area.

Incidents described above, if not prevented or countered, have the potential for creating a catastrophic peacetime nuclear emergency which would probably require Presidential actions to achieve a coordinated Federal response following such an event.

Responding to the contingency of nuclear extortion, theft and sabotage will involve the need for locating and apprehending the terrorists, criminals, or deranged persons who constitute the threat, and of locating and neutralizing the weapons or devices involved or restoring the facilities involved to the control of authorized persons.

Any threat involving the misuse of a nuclear weapon, special nuclear materials, or dangerously radioactive material, or facilities for the production, utilization, transportation, protection, or storage of those items would constitute a violation of provisions of the Atomic Energy Act.

For example, Section 57 (42 U.S.C. 2077) prohibits the acquisition, ownership, possession, transfer, delivery, importation, or exportation of special nuclear material without a license from the NRC. Section 62 contains a similar prohibition with respect to source materials, Section 81 with respect to byproduct materials, and Section 101 with respect to utilization and production facilities.

Section 92 prohibits any person, other than ERDA or the DOD, from owning, possessing, acquiring, transferring, importing, or exporting any nuclear weapon.

Section 183 authorizes the NRC to specify the terms and conditions under which each license is granted and prohibits its assignment or transfer.

Section 221(b) directs the Federal Bureau of Investigation to investigate all alleged or suspected criminal violations of the Act.

Section 222 provides fines and imprironment for any one who willfully violates, attempts to violate, or conspires to violate, the provisions of Sections 57, 92 or 101. Section 223 provides fines and imprisonment for willfull violations, attempts to violate, or conspiracies to violate any provisions of the Act for which no other criminal penalty is specifically provided or for violation of any regulations or orders prescribed or issued under Section 65 or subsections b, i, or o of Section 161 of the Act.

Section 274 authorizes the NRC to enter into agreements with States providing for discontinuance of regulatory authority er by-product, source, and special nuclear material in quantities not sufficient to form a critical mass.

In addition, any such event would probably constitute violations of 18 U.S.C. 231 (civil disorders), 241 (conspiracy against rights of citizens), 641 (theft or conversion of Government property), 832 (transportation of explosives, radioactive materials, etc.), 875 (interstate communications), 1361 (Government property or contracts), 1362 (communication lines, stations, or systems), 2383 (rebellion or insurrection), and 2384 (seditious conspiracy). Other statutes which may be violated include: 18 U.S.C. 2151-2156 and 50 U.S.C. 797 (sabotage); Section 3, Article 3, U.S. Constitution, and 18 U.S.C. 2381 (treason as by terrorists who "levy war" against the U.S.A.); 18 U.S.C. 111, 372, 1114, 2231 (Assaulting or Killing a Federal Officer); 18 U.S.C. 245(b)(3); 2101, 2102 (Anti-Riot Laws).

18 U.S.C. 3052 authorizes the FBI to make arrests for offenses against the United States.

28 U.S.C. 533 authorized the Attorney General to appoint persons to detect and prosecute crimes against the United States and to conduct investigations regarding official matters under the control of the Department of Justice.

As noted before, Section 221 b of the Atomic Energy Act directs the FBI to investigate alleged or suspected violations of that Act.

Accordingly, there can be no doubt that the Attorney General, operating through the FBI, and other appropriate personnel in the Department of Justice or in other Executive departments, has the authority to investigate any alleged or suspected violation of the Atomic Energy Act or any provision of Title 18 of the United States Code, and to arrest any person involved in any such violation. Technically, the FBI would also be legally responsible for locating any nuclear weapon or radioactive materials and for restoring nuclear facilities to their rightful custodians just as they are responsible for locating and neutralizing conventional weapons, such as hand guns, rifles, high explosives, etc., involved in Federal criminal offenses.

However, in view of their unique responsibilities under the Atomic Energy Act, as affected by the Energy Reorganization Act, it would be more realistic to expect the NRC, ERDA, and DOD to assist the FBI in locating and subsequently neutralizing any nuclear weapon or dangerously radioactive material, or in restoring any licensed facility or material to its lawful custodians by providing technicians, expertise, special equipment, or otherwise for that purpose.

While the FBI and supporting agencies are performing those functions, the Federal Disaster Assistance Administration of the Department of Housing and Urban Development should, under the provisions of Section 202 of the Disaster Relief Act of 1974, be notifying appropriate State and local officials and endangered persons of a potential major disaster. The DHUD should also begin preparations to respond to any "emergency" or "major disaster" that might be declared by the President pursuant to Section 301 of that Act if the threat is not successfully terminated.

Nuclear incidents involving the accidental or unauthorized launch of a nuclear weapon by means of a missile or other delivery system will, due to the time sensitivity, result in only a limited number of actions or responses that could be instituted during the brief interval that would be involved. The actions that would be

involved include: (1) confirmation of the launch of a nuclear weapon and its impact in this country; (2) confirmation that only one launch was involved and that it was accidental; (3) determination, if possible, of the probable impact area; (4) instant notification of the President and appropriate officials of the launch and of all available details relating thereto; (5) determination by the President of the posture to be taken by the military and civilian components of the Government with regard to the foreign government involved; (6) notification of Governors and other State and local officials and warning of the public of the potential disaster; (7) issuance of directions to assure immediate effectuation of Federal relief and rescue responses and of other Federal response designed to alleviate panic and disorder and to restore essential public services if a detonation occurs; and (8) presentation for the consideration of the President of all documents needed to assure the effectuation of all pertinent Federal responses in that event.

Article II of the Constitution of the United States vests in the President, as Chief Executive and Commander-in-Chief, the broadest of powers to deal immediately with any sudden and unexpected emergency that might jeopardize the security or safety of this Nation and of its people, especially if the threat results from an attack, intentional or unintentional, from an external source. Similarly, that Article grants almost limitless authority to the President with respect to the conduct or diplomatic and military relations and other negotiations with foreign governments in a time of a crisis such as would exist in this Category II type of emergency.

In recognition of the President's responsibilities in this regard and in recognition of the danger of the occurrence of any emergency of the type contemplated in a Category II peacetime nuclear emergency, the Congress has enacted a number of statutes, such as the National Security Act of 1947 (50 U.S.C. App. 401, et seq.); the Defense Production Act of 1950, as amended, the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251, et seq.) and the Disaster Relief Act of 1974, each of which may permit the development of contingency plans for dealing with catastrophes of a nuclear origin. Section 202 of the Disaster Relief Act of 1974 specifically provides for warnings to State and local officials and to the public of impending disasters and authorizes the use

of the civil defense warning system for that purpose. The authority of the President, the Department of Defense, the State Department, and other Federal agencies involved, to respond to an emergency such as is characterized in this contingency, is fully adequate to cover this situation.

Another contingency included under a Category II incident is a major accident at a nuclear power reactor or in the transportation of nuclear weapons/materials which could result in widespread hazard or damage to humans and property. The authority of the President and the Federal agencies involved to respond to such an emergency appears clear with no lack of legal authority to respond to the needs of this contingency. (See description of Category I legal authority mentioned earlier.)

Category III

Category III. An occurrence, in which despite all preventive and controlling efforts, an actual nuclear detonation and/or widespread dispersal of radioactive contamination has occurred within the U.S.

This type of emergency would, when major property damage and/or a large number of casualties are involved, necessitate the institution of numerous extraordinary actions affecting not only governmental agencies, but also much of the public. The emergency measures would fall into three major groupings:

(1) Prompt implementation of actions to minimize death and suffering from the detonation or from radioactive contamination, such as sheltering affected population and undertaking radiological defense and other emergency operations, including relief and rescue of injured and uninjured persons in the affected area.

(2) Maintenance of law and order, prevention of looting and panic, and preclusion of traffic in contaminated property.

(3) Maintenance of the stability of the economy, particularly in the fields of banking and international financial transactions, marketing of securities and commodities, and utilization of essential materials and services.

In the event of an accidental detonation of a nuclear weapon or device in this country, resulting in major property damage and/or a large number of casualties, it is reasonable to assume that the President will issue a proclamation declaring the existence of a state of national emergency. That declaration, by itself, would confer no new legal authority upon the President or any Federal agency. However, over the last 40 years, the Congress has enacted a multitude of statutory provisions, the authority of which may be exercised only in time of war, or national emergency proclaimed by the President or the Congress. (The most recent comprehensive listing of those emergency provisions is set forth in Senate Report 93-549.)

All but one of the provisions effectuated by a Presidential declaration of national emergency are now operative as a result of the national emergency proclaimed by President Truman (Proc. 2914 of December 16, 1950), and reaffirmed by him (Proc. 2974 of April 28, 1952). That national emergency was reaffirmed by President Eisenhower (E. O. 10896 of November 29, 1960, and E. O. 10905 of January 14, 1961) and by President Kennedy (E. O. 11037 of July 20, 1962), and its continuance was alluded to by President Johnson (E. O. 11387 of January 1, 1968). President Nixon proclaimed two new national emergencies--the first in connection with a strike of employees of the Postal Service (Proc. 3972 of March 23, 1970) and the second in connection with international balance of payments measures (Proc. 4074 of August 15, 1971).

The one apparent exception to the foregoing is 10 U. S. C. 673, relating to the call up of the military ready reservists, which is operative only in times of national emergency proclaimed after January 1, 1953. Since the Truman proclamation does not activate 10 U. S. C. 673, that provision is now operative only if one of the Nixon declarations is still in effect which, at best, seems doubtful.

Consequently, the proclamation of a new national emergency would have little, if any, legal effect except for the possible effectuation of the provisions of 10 U. S. C. 673. Even assuming the effectuation of 10 U. S. C. 673, it seems doubtful that reservists would be called up pursuant to that authority in a Category III emergency.

In any event, the issuance of a new declaration of a state of national emergency would still be quite beneficial in apprising the public of the gravity of the situation, galvanizing public support for massive relief and rescue efforts, public and private, and foreclosing any arguments concerning the continuance of the 1950 national emergency or the national emergencies proclaimed by President Nixon.

Section 101 of the National Emergencies Act (P. L. 94-412; 50 U. S. C. 1601, et seq.; 90 Stat. 1255), in effect, terminates, as of September 14, 1978, all national emergencies which have been declared by the President and which were in effect on the date of enactment of that Act, September 14, 1976. However, Section 502(a) of that Act lists ten vital statutory provisions, including Section 5(b) of the Act of October 6, 1917, as amended (12 U. S. C. 95a; 50 U. S. C. App. 5(b)), and specified procurement and defense provisions, to which the provisions of the National Emergencies Act do not apply. Consequently, the enactment of that Act has no immediate impact upon existing legal authority to effectuate responses under FPPPNE, and probably will never constitute a significant impediment to the effectuation of those responses. Conversely, the enactment of the National Emergencies Act may prove beneficial by conferring Congressional approval to the indefinite use of the statutes listed in Section 502(a) and the continued use, until September 14, 1978, of all other national emergency statutes except, possibly, 10 U. S. C. 673.

Should the need arise after September 14, 1978, to declare a national emergency involving statutory provisions other than those listed in Section 502(a) of the National Emergencies Act, the impact of the Act is that the President will be required by Section 301 of that Act to specify, either in his National Emergency declaration or in one or more contemporaneous or subsequent Executive orders, those provisions of law under which he will act.

If the Congress is not in session, it is almost a certainty that the President will, pursuant to Section 3 of Article II of the Constitution, convene the Congress at the earliest possible time to receive communications from the President (see, for example, Proc. 2746 of July 15, 1948).

The President could, upon a request of the Governor or Governors concerned, declare a major disaster under the provisions of the Disaster Relief Act of 1974. Section 102(b) defines a "major disaster" as "any hurricane, tornado.... fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Act...." A nuclear detonation would certainly constitute an "explosion" within the meaning of that definition and the devastation that would result therefrom would certainly warrant major disaster assistance under the Act.

The President's determination of the existence of a major disaster could be made in the usual form of a communication to the Secretary of HUD, or it could be made in the form of a Presidential proclamation. Consideration might be given to the use of a proclamation since that would tend to put the President more clearly in charge of the disaster rescue and relief activities. It would also tend to eliminate any reluctance that Federal agencies might have to make their resources available for disaster activities under the provisions of Section 306 of the Disaster Relief Act.

Once the President has declared the existence of a "major disaster", whether by the usual communication to the Secretary of HUD or by a special proclamation, the full sweep of disaster rescue, relief, and assistance activities authorized or permitted by the Disaster Relief Act of 1974 would become available. Any funds available in the Disaster Relief Act Appropriation account could be used to defray the costs of those activities. And, as noted above, Section 306(a) of that Act authorizes Federal agencies, on direction of the President (or the Secretary of HUD under a delegation of authority conferred by E. O. 11795 of July 11, 1974), to provide assistance by:

(1) utilizing or lending, with or without compensation therefor, to State and local governments, their equipment, supplies,

facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies, including that determined, in accordance with applicable laws, to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

(4) performing, on public or private lands or waters, any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; demolition of unsafe structures that endanger the public; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State and local governments for the purpose of carrying out the provisions of this paragraph.

Section 306(b) of that Act expressly provides that work performed under that section shall not preclude additional Federal assistance under any other section of the Act. In effect, Section 306 permits the commitment of all available disaster funds and all available Federal resources to recovery efforts under the Act.

The scope of the President's authority under other provisions of that Act is equally broad. Section 303(a) authorizes the President (the Secretary of HUD by delegation) to provide assistance to save

lives and protect property and for public health and safety, and Section 305(c) authorizes the President to provide such other assistance under the Act as he deems appropriate. Section 313(a) permits priority and immediate consideration to be given to applications for assistance from public bodies situated in areas affected by the disaster under specified housing, public works, and water pollution statutes. Section 313 authorizes the President to provide for the allocation of construction materials including building materials and materials needed for housing repair and replacement, public facilities repair and replacement, and for other forms of business operations. Section 401 permits the President to authorize Federal agencies to repair, reconstruct, restore, or replace any facility owned by the United States or under the jurisdiction of any such agency which is damaged or destroyed by the disaster. If funds are unavailable for that purpose, the situation may be remedied by the transfer of other available funds.

Section 402 authorizes the President to make contributions to State and local governments to help repair, restore, reconstruct, or replace public facilities belonging to those State or local governments. He can make similar contributions for similar purposes for private, nonprofit educational, utility, emergency, medical, and custodial care facilities. Section 403 authorizes debris removal.

With respect to individuals, Section 404 authorizes the President to provide, either by purchase or lease, temporary housing, including rental housing, mobile homes, and readily fabricated dwellings. Section 407(a) authorizes payments of unemployment assistance. Section 408 authorizes grants to States for making grants to meet disaster-related necessary expenses or essential needs of individuals or families. Section 409 authorizes the distribution of food coupons under the Food Stamp Act.

Section 414 authorizes the President to make loans to local governments which have suffered a substantial loss of tax and other revenue as a result of the disaster.

On the basis of the foregoing, it is difficult to conceive of any legitimate rescue, relief, or assistance activity that would need to be performed in the period immediately after the occurrence of a

Category III emergency that could not be instituted under the authority conferred by the Disaster Relief Act of 1974.

A brief statement concerning the Federal Civil Defense Act of 1950 appears appropriate at this point. This Act was designed to cope with emergencies arising out of an attack upon this country by an enemy of the United States. It would seem inappropriate to characterize an accidental or unauthorized launch of a nuclear weapon as an enemy attack. Other types of detonations contemplated by a Category III emergency would be even less susceptible to fulfilling the triggering language of that Act. Furthermore, Title III of that Act, the title providing emergency powers during a "civil defense emergency", expired on June 30, 1974, and has not been extended by the Congress. Consequently, that Act cannot be relied upon as authority to respond to this type of emergency. However, this fact in no way precludes or inhibits the full utilization of the services and the resources of the Defense Civil Preparedness Agency during a major disaster declared under the Disaster Relief Act of 1974. State and local government civil defense organizations, and resources acquired by them for civil defense purposes, could also be used in a Category III peacetime nuclear emergency, under State and local legislation and authorities.

Section 201 of the Disaster Relief Act of 1974 expressly authorizes the President to utilize the services of the DCPA in major disasters and, under Section 306 of that Act, all available resources acquired pursuant to the Civil Defense Act could be utilized in connection with any such disaster. The authority conferred by Section 306 of the Disaster Relief Act of 1974 would also permit the use of military and other Federal installations and facilities as temporary housing for persons evacuated from the disaster area. The powers available under the Disaster Relief Act of 1974, including the authority to commit all available Federal resources, therefore, appear to provide abundant legal authority to carry out all Federal disaster rescue, relief, and assistance activities that might be needed in the immediate period after an emergency of this type has occurred.

The omission of a discussion of the authority of the Small Business Administration to make disaster loans, of the Department of Agriculture to provide livestock feed in emergencies, and of other agencies to provide specific classes of emergency assistance is not

intended to suggest that those authorities will not be exercised, if appropriate, in this type of emergency. It merely means that all foreseeable initial Federal rescue, relief, and assistance responses could be effectuated under the provisions of the Disaster Relief Act of 1974.

The Federal role following a nuclear detonation in maintaining or restoring law and order, preventing looting and panic, and precluding traffic in dangerously radioactive property is discussed in the following section.

Under our Constitutional form of government, the States have the primary responsibility for law enforcement within their borders. Federal law enforcement is largely confined to crimes involving Federal personnel and property, crimes committed on property owned or controlled by the United States, crimes involving interstate or foreign commerce, crimes involving the national security and military service, and crimes involving Federal revenues and funds.

In the early years of this Nation under the Constitution, the Congress, in recognition of the role of the States in the field of law enforcement, enacted legislation under which the President could provide Federal military assistance to the States in situations in which their forces were inadequate to enforce the laws of the State or of the United States within the State (Act of February 28, 1795, 1 Stat. 424). In 1861 and 1871, the Congress enacted supplemental provisions which permit the President to use the militia, the armed services, or any other means to suppress in any State any insurrection, domestic violence, unlawful combination, or conspiracy, if it hinders the execution of State laws or obstructs the execution of Federal laws (Act of July 29, 1861 (12 Stat. 281); Act of April 20, 1871 (17 Stat. 14)).

Today, those provisions are codified as sections 331-336 of title 10 of the United States Code. Those sections read as follows:

"331. Federal aid for State governments.

"Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature, or of its governor if the legislature cannot be convened, call into

Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

"332. Use of militia and armed forces to enforce Federal authority.

"Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

"333. Interference with State and Federal law.

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it--

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

"334. Proclamation to disperse.

"Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time.

"335. Guam included as 'State'.

"For purposes of this chapter, 'State' includes the unincorporated territory of Guam.

"336. Virgin Islands included as 'State'.

"For the purposes of this chapter, 'State' includes the unincorporated territory of the Virgin Islands."

At the request of the Governors concerned, this authority was used in 1967 and 1968 to suppress disorders and to protect Federal property in Chicago, Illinois (Proc. 3841 of April 7, 1968 and E.O. 11405 of April 7, 1968), Baltimore, Maryland (Proc. 3842 of April 7, 1968 and E.O. 11405 of April 7, 1968), and Detroit, Michigan (Proc. 3795 of July 24, 1967 and E.O. 11364 of July 24, 1967).

If a law enforcement situation develops in a State which the Governor determines cannot be controlled by law enforcement and militia (National Guard) personnel available to him, he may request the President to provide Federal assistance. If the President concurs in the Governor's determination and if Federal resources are available, the President may direct the Secretary of Defense to take all necessary steps to restore order and assure compliance with State laws and regulations, particularly those designed to prevent looting, panic, and traffic in areas where there are dangerously radioactive materials.

In the unlikely event that there is no Governor nor anyone else who can act as Governor to request Federal assistance under section 331, the President could, under sections 332 and 333, still use the militia, the armed forces, or any other means to restore order in the affected area. This action would be similar to the actions taken by President Eisenhower (Proc. 3204 of September 23, 1957; E.O. 10730 of September 24, 1957) and by President Kennedy

(Proc. 3497 of September 30, 1962; and E.O. 11053 of September 30, 1962) to suppress forceful opposition to the enforcement of Federal court desegregation orders. Those actions were taken without a request from the Governors concerned since those Governors were aiding and abetting the persons opposing the enforcement of those court orders.

Proper use of the provisions of sections 331-336 of title 10 would avoid any possible situation in which the President would ever have to consider proclaiming martial law or martial rule. If martial law or martial rule is to be proclaimed in any disaster area, that action should be taken by the Governor concerned.

Consequently, State and local governments are expected to institute such measures as may be needed to prevent looting, panic, and traffic in contaminated property, and for the maintenance of conditions in which rescue, relief, and recovery responses can be effectuated without undue hinderance. If a Governor needs assistance in performing that duty, he may request Federal assistance under 10 U.S.C. 331.

If the President determines that he needs to mobilize members or units of the military reserves, other than in a situation in which he is taking action under 10 U.S.C. 331-336, he would have ample authority to do so under 10 U.S.C. 673 or under 10 U.S.C. 3500 and 8500. These provisions were relied upon when President Nixon directed the call up of reservists during the strike of Postal Service employees (see Proc. 3972 of March 23, 1970, and E.O. 11519 of March 23, 1970).

Aside from law enforcement at the State and local level, which is the primary responsibility of those governments with possible assistance from the Federal Government, there may be a need for extraordinary efforts to preclude the introduction into interstate and foreign commerce of items, particularly food, that are dangerously contaminated by radioactive material. The provisions of the Food, Drug, and Cosmetic Act (21 U.S.C. 301, et seq.) and the Federal Hazardous Substances Act (15 U.S.C. 1261) confer broad authority upon the Secretary of HEW to control distribution of dangerously contaminated substances. In addition, the Federal Meat Inspection Act (21 U.S.C. 601, et seq.), the Wholesome Poultry

Products Act (P. L. 90-492, 82 Stat. 791, 21 U.S.C. 451, et seq.), and the Egg Products Inspection Act (91-597; 84 Stat. 1620, 21 U.S.C. 1031, et seq.) confer similar broad authority upon the Secretary of Agriculture to prevent contaminated food from reaching consumers. These statutes, coupled with statutes administered by regulatory agencies to prevent shipment of dangerous cargos on interstate carriers (see, for example, 49 U.S.C. 1(15)), should provide ample legal authority to permit the effectuation of all necessary measures to control or prevent the interstate movement of radioactively contaminated items in the immediate period after a contamination--especially if the State or States involved take steps to control or prevent such movement within their borders.

Finally, we come to those measures that may be necessary to ameliorate the effect of the disaster upon the economy, particularly the economy of the afflicted area and its people.

Section 4 of the Act of October 9, 1933 (12 U.S.C. 95) and Section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a), confer broad authority to regulate member banks of the Federal Reserve System, and to control banking transactions and international financial transactions, respectively. This authority should be sufficient to permit the Secretary of the Treasury to take such actions as may be needed to stabilize banks, banking transactions, and international financial transactions. In addition, the Federal Reserve Act (12 U.S.C. 221, et seq.) confers comparably broad authority upon the Board of Governors of the Federal Reserve System to deal with any instability of any Federal Reserve member bank (see, for example, 12 U.S.C. 248(h) and (j)).

Furthermore, the Federal Saving and Loan Insurance Corporation (12 U.S.C. 1724, et seq.), the Administrator of the National Credit Union Share Insurance Fund (12 U.S.C. 1781, et seq.) and the Federal Deposit Insurance Corporation (12 U.S.C. 1811, et seq.) are obligated to take prompt steps to assure that proceeds of insured deposits and shares in financial institutions within the disaster area are made available to eligible insured depositors and shareholders as promptly as possible.

If needed, credit and interest controls could be instituted under the Credit Control Act (12 U. S. C. 1901, et seq.). Section 19 of the Securities and Exchange Act (15 U. S. C. 785) would permit the summary suspension of trading of any registered security on any national security exchange for up to 10 days, or the suspension of all trading on any such exchange for up to 90 days.

There is no express statutory authority now in being that would expressly authorize the institution of price, wage, and rent controls. However, this should not be a problem in the immediate period after a detonation. If such controls prove necessary in the period after such a detonation, the Congress should be requested to enact legislation permitting the institution of those economic stabilization measures. In the interest of simplicity, it might be advisable to seek reenactment of statutory provisions such as were in effect at the time President Nixon imposed a freeze on prices, wages, and rents on August 14, 1971 (Economic Stabilization Act, P. L. 91-379, as added by P. L. 91-381; 84 Stat. 799). The Congress then could consider the need for longer-term and more detailed legislation without having to act hastily.

Under Section 318 of the Tariff Act of 1930 (19 U. S. C. 1318), the President may authorize the Secretary of the Treasury to permit the importation, free of duty, of food, clothing, medical, surgical and other supplies for use in emergency relief work.

Title I of the Defense Production Act of 1950, as amended, authorizes the institution of priorities and allocations of materials and services for such activities as will promote the national defense. This authority has been used to assure the delivery of materials in connection with the construction of the Alaska pipeline, the delivery of jet aircraft and related equipment to update the commercial air fleet in the 1950s and 1960s, and to allocate remaining transportation services during nationwide railway strikes. The use of this authority to restore disrupted communications, transportation, utility, defense, health, safety, and related facilities would clearly promote the national defense. Similarly, measures designed to rescue, feed, clothe, and shelter victims in, and to restore the economy of, the disaster area would, of necessity, promote the national defense.

That title also continues anti-hoarding provisions which could be invoked under similar circumstances. This authority, coupled with the allocation authority contained in Section 318 of the Disaster Relief Act of 1971, should provide sufficient authority to permit the dedication of essential resources to rescue, relief, and restoration efforts in the disaster area.

Section 902 of the Merchant Marine Act of 1936 authorizes the Secretary of Commerce to requisition or purchase any vessel owned by citizens of the United States during a time of national emergency declared by the President.

It has been suggested that the provisions of the Defense Production Act of 1950 should not be relied upon as authority for contingency planning since its provisions are dependent upon Congressional extensions of the Act, annually or biannually. That Act has been extended, with only a few brief lapses, since it was first enacted. It would appear reasonable to assume that the Congress will continue to extend that authority. In this regard, it should be noted that the Congress considers the Defense Production Act to be of such importance that it maintains a Joint Committee to oversee its administration. This would tend to suggest that the Congress, after proper periodic reviews, will continue to extend essential provisions of that Act so long as those provisions may be needed to promote the national defense.

Finally, it is difficult to envision a situation in which parties to a labor dispute would commence or continue a labor stoppage or lockout in an industry that would hamper rescue, relief, or recovery activities in a period immediately following a nuclear detonation with the resultant requirement for Federal assistance. However, if such a dispute were to occur with respect to a rail or air carrier and threaten to deprive a segment of the Nation of essential service, a strike could be postponed for up to 60 days by the creation of an Emergency Board under the provisions of Section 10 of the Railway Labor Act (45 U.S.C. 160). Similarly, strikes in other vital industries could probably be postponed under a 60-day cooling off period injunction under the provisions of Sections 206-208 of the Labor Management Relations Act, 1947 (29 U.S.C. 176-178).

Neither of these procedures is an absolute answer to preventing labor strikes or lockouts since they can be invoked only once with respect to a dispute. If they shall have been invoked prior to the detonation, they could not be reinvoked, but this would not appear to be a critical problem in the immediate post-detonation period and the Congress could deal with that problem over the longer haul.

Consequently, except for general price, wage, and rent control authority, which would hardly be a critical need in the period immediately after a nuclear detonation, there appears to be ample authority to assure the stability of banks, securities marketing, and foreign financial transactions, to assure the availability of insured deposits and share accounts, and to preclude crippling strikes in essential industries in the immediate period after this type of emergency.

Category IV

Category IV. A nuclear detonation or major dispersal of radioactive material can also be expected to create, in addition to the need for immediate lifesaving and other related operations as described in Category III above, the need for long-range recovery and rehabilitation measures directed toward the permanent rebuilding and reconstitution of the socio-economic structure, the physical facilities and institutions of the affected area(s) and the long-term reduction or elimination of radioactive contamination. These measures would involve such things as housing, utilities, hospitals, schools, business, financial, governmental structures and organizations. These measures can be expected to continue for months or years after the immediate lifesaving operations have been completed, and should be administered by an organizational mechanism responsive to these long-range needs. Although it is difficult to provide any specific planning guidance for the long-range needs of an area affected by a PNE, it is essential that some forethought and consideration be given to such things as the reconstitution of local government operations, the rebuilding of the social and economic structure of the affected area(s), and the allocation of critical resources which may be in short supply following a nuclear detonation or dispersion of radioactive material.

The need for long-range recovery and rehabilitation efforts has been recognized by Congress in Title V of the Disaster Relief Act of 1974 (P. L. 93-288) which deals with long-range recovery for disasters in general. The main thrust of this Act is the provision of Federal Assistance to States for economic recovery of disaster areas, including assistance in planning for replacement of losses incurred in a major disaster. Responsibility for Title V of this Law, however, has not been assigned to a Federal agency. P. L. 93-288, however, does provide for Title V to be an amendment to the Economic Development Act of 1965 and to be designated Title VIII of that Act. Pending a specific Presidential delegation in this area, GSA/FPA, in meeting its preparedness responsibilities outlined in Sections 101(a) and (b) of E. O. 11051, is responsible for examining the various needs for and methods of providing long-range recovery and rehabilitation assistance to an area affected by a PNE, and associated preparedness requirements of the relevant Federal agencies. GSA/FPA should be prepared to advise the President on such issues as options available for administration of these long-range efforts and specific recovery and rehabilitation operations required to meet the needs of the situation.

Summary

In summary, it appears that ample legal authority exists to effectuate all foreseeable Federal responses in any of the four categories of PNEs described in the FRPPNE. This statement is not intended to suggest that new legislation will not be needed to deal with longer-range problems, and for ultimate recovery programs in the event of a Category III emergency. At a minimum, there would be a need for additional appropriations to the Disaster Relief Act account, for additional funds to the President to cover activities not covered by that Act, and for funds to cover claims under indemnification provisions now in the law. Consequently, it is possible that there may be a need for economic stabilization legislation, legislation broadening indemnification statutes, legislation providing tax and other relief measures to assist businesses and organizations seriously damaged by a detonation or radioactive fallout therefrom, and other legislation designed to deal with the specifics of the disaster involved.